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BILLS,

PUBLIC:

FOUR VOLUMES.

—(4.)—

RAILWAY COMPANIES' POWERS
TO
WRITS REGISTRATION (SCOTLAND).

Session
4 *February* —— 29 *July* 1864.

VOL. IV.

1864.

BILLS:

1864.

FOUR VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

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SCHEDULE.

A

B I L L

TO

Facilitate in certain Cases the obtaining of further Powers by Railway Companies.

WHEREAS it is expedient that in certain Cases Railway Companies should be enabled to obtain further Powers on complying with the Conditions of a General Act of Parliament, without being obliged to procure in each Case a Special Act: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The Railway Companies' Powers Act, 1864. Short Title.

2. In this Act — Interpretation of Terms.

The Term "Railway" includes Works connected with or for the Purposes of a Railway, and also a Railway authorized to be but not actually constructed:

The Term "Railway Company" includes a Company Part only of whose Undertaking is the making or working of a Railway:

The Term "Railway Bill" means a Bill pending in or intended to be introduced into either House of Parliament, having for its Object or One of its Objects to authorize the making of a Railway:

The Term "the Companies Clauses Acts" means, so far as the Enactment in which that Term is used relates to England or Ireland, or to a Certificate to be operative in England or Ireland, The Companies Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, or to a Certificate to be operative in Scotland, The Companies Clauses Consolidation (Scotland) Act, 1845; together with in each Case The Companies Clauses Act, 1863:

The Term "the Board of Trade" means the Lords of the Committee for the Time being of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Operation of Act in what Cases.

3. This Act shall take effect and apply in each of the Cases following, namely:—

I.—Where a Railway Company are desirous that Authority should be given to themselves and some other Railway Company or Companies to enter into an Agreement with respect to all or any of the Matters following; namely,

The Maintenance and Management of the Railways of the Companies respectively, or of any One or more of them, or of any Part thereof respectively;

The Use and Working of the Railways or Railway, or of any Part thereof, and the Conveyance of Traffic thereon;

The fixing, collecting, and apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising in respect of Traffic;

The joint Ownership, Maintenance, Management, and Use of a Station or other Work; or the separate Ownership, Maintenance, Management, and Use of several Parts of a Station or other Work:

II.—Where a Railway Company are desirous of obtaining an Extension of the Time limited for the Sale by them of superfluous Lands:

III.—Where a Railway Company incorporated by Special Act or by Certificate under The Construction of Railways Facilities Act, 1864, are desirous of obtaining Authority to raise additional Capital.

Application by Company to Board of Trade.

4. In any such Case the Company may proceed as follows, namely:

(1.) They may apply to the Board of Trade for a Certificate under this Act:

(2.) They may publish Notice of that Application according to General Rules to be made by the Board of Trade under this Act.

Consideration of Application by Board of Trade.

5. As soon as conveniently may be after the Completion of the required Notice, the Board of Trade shall proceed to consider the Application.

Power for Board of Trade to issue Certificate according to Nature of Application.

6. On the Board of Trade being satisfied that the Company have complied with the Requirements respecting Notice, the Board of Trade may make and issue a Certificate, certifying to the Effect following; namely,—

In the first-mentioned Case, that the Companies in the Certificate specified are authorized to agree among themselves with respect to all or any of the Matters aforesaid in the Certificate specified;

In the secondly-mentioned Case, that the Time limited for the Sale by the Company of superfluous Lands is extended as in the Certificate specified;

In the thirdly-mentioned Case, that the Company are authorized to raise, as Capital, for the Purposes of the Certificate, such additional Sum of Money as therein limited, by the Issue of new Shares or new Stock, either Ordinary or Preference, or partly Ordinary and partly Preference, or partly in that Mode and partly by borrowing on Mortgage, at the Option of the Company, or as may be prescribed in the Certificate, and with Power to create and issue Debenture Stock.

Insertion of Conditions in Certificate.

7. The Board of Trade may insert in the Certificate such Restrictions and Provisions, and such Terms and Conditions, as they, according to the Circumstances of the Case, deem necessary or proper for better effectuating the Purposes of the Certificate in conformity with the Objects and Provisions of this Act; and the same shall be deemed to all Intents to form Part of the Certificate.

Form of Certificate.

8. The Certificate may be in the Form set forth in the Schedule to this Act, with such Variations as Circumstances require.

Certificate under this and Construction of Railways Facilities Act.

9. A Certificate may be made under this Act and The Construction of Railways Facilities Act, 1864, jointly; and in any such Case the Forms of Certificate given in this Act and the said Act may be adapted to the Circumstances of the Case.

10. There

Partial Incorporation of Clauses Acts.

10. There shall be incorporated with the Certificate (which shall for this Purpose be deemed the Special Act)—

In the first-mentioned Case, Part III. of The Railways Clauses Act, 1863;

In the thirdly-mentioned Case, the Companies Clauses Acts, except as may be in the Certificate excepted, and except with respect to the Provision to be made for affording Access to the Special Act by all Parties interested.

Restrictions on Company as to borrowing, &c.

11. In the thirdly-mentioned Case, the Company, whether incorporated by Special Act, or by Certificate, or otherwise, shall, except so far as may be expressly otherwise provided in some Special Act or Certificate, be subject to the following Restrictions, namely:

(1.) They shall not borrow any Money until the whole of their nominal Capital authorized by the Certificate is subscribed for or taken, and until *One Half* thereof is actually paid up, and until they prove to a Justice of the Peace, or (in Scotland) a Sheriff (and in the Case of a Company which is subject to the Companies Clauses Acts the same Justice who is to certify under Section 40. of The Companies Clauses Consolidation Act, 1845, or the same Sheriff who is to certify under Section 42. of The Companies Clauses Consolidation (Scotland) Act, 1845, as the Case may be, before he so certifies), that the whole of the nominal Capital has been subscribed for or taken in good Faith, and is held by Subscribers or their Assigns, and that those Subscribers or their Assigns are legally liable for the same (of which Matters the Certificate of the Justice or Sheriff shall be sufficient Evidence):

(2.) They shall not borrow a larger Sum in the whole than *One Third* of the Amount of their nominal Capital authorized by the Certificate:

(3.) They shall not out of Money raised under the Certificate by Calls or borrowing pay Interest or Dividend to a Shareholder on the Amount of Calls made on his Shares, whether created under the Certificate or otherwise (but this Provision shall not prevent them paying to a Shareholder under the Certificate such Interest on Money advanced by him beyond the Amount of Calls actually made as is allowed by the Companies Clauses Acts):

(4.) They shall not out of Money so raised pay or deposit any Money that may be required to be paid or deposited in relation to any Application to Parliament or the Board of Trade:

(5.) They shall apply every Part of the Money so raised only for the Purposes for which it is by the Certificate authorized to be applied.

12. The Certificate shall be published as follows; namely,

Publication of Certificate in Gazette.

Where One Company only is thereby empowered, then in the London, Edinburgh, or Dublin Gazette, according as the Head Office of the Company is situate in England, Scotland, or Ireland:

Where Two or more Companies are thereby empowered, then in One or more of the Gazettes, according as the several Head Offices of the Companies respectively are situate in England, Scotland, and Ireland respectively.

Operation of Certificate as Special Act.

13. As from the Time (not being prior to such Publication) in the Certificate prescribed, and if none is prescribed then as from the Time of such Publication, the Certificate shall have the same Force and Operation, and shall be as absolutely valid and conclusive to all Intents, as if the Contents thereof (taken in conjunction with this Act) had been expressly enacted by Parliament; and the Validity of the Certificate shall not be impeached on account of any alleged Error or Informality, or on any other Ground whatever, in any Court or elsewhere.

Judicial Notice of Certificate.

14. The Certificate shall be judicially noticed without being specially pleaded.

Interpretation of Certificate.

15. Terms used in the Certificate shall (unless it is otherwise provided therein) have the same Meanings as they have when used in this Act.

Power for Board of Trade to reject Application.

16. Nothing in this Act shall make it obligatory on the Board of Trade to issue a Certificate in any Case if it appears to the Board of Trade for any Reason that it would not be for the public Advantage that the Application for a Certificate should be complied with.

Saving for Operation of General Acts

17. Nothing in the Certificate shall exempt any Railway to which it relates, or the Company to whom that Railway belongs, from the Provisions of any General Act of Parliament relating to Railways, or to the better Audit of the Accounts of Railway Companies, passed before the issuing of the Certificate, except a Provision in the Certificate expressly referring to the General Act, and expressly containing such Exemption; and nothing in the Certificate shall exempt any Railway to which it relates, or the Company to whom that Railway belongs, from the Provisions of any such General Act, to be passed after the issuing of the Certificate, or from any Revision and Alteration under the Authority of Parliament of the maximum Tolls and Charges allowed to be taken in respect of that Railway.

18. Where,

Approval by Members of Company required, as under Standing Orders.

18. Where, in case the Company were proceeding by a Railway Bill instead of under this Act, the Approval of the Bill in any Manner by the Members of the Company would be required under the Standing Orders of either House of Parliament for the Time being in force, it shall be the Duty of the Board of Trade not to issue a Certificate without being satisfied that the Members of the Company have in like Manner approved of the Application to the Board of Trade.

Protection of Interests under Special Acts.

19. It shall be the Duty of the Board of Trade not to issue a Certificate containing any Provision that would take away or abridge any Right, Privilege, Power, Jurisdiction, or Authority given or reserved to any Company, Body, or Person, by any Local or Special Act, without the Consent in Writing of that Company, Body, or Person.

Power for Board of Trade to amend Certificate.

20. Subject and according to the Restrictions and Provisions of this Act, the Board of Trade may from Time to Time, on the Application of the Company, amend, extend, revoke, or vary by Certificate any Certificate issued under this Act, or any Part thereof.

Power to correct Error.

21. If in any Case it is made to appear to the Board of Trade that any Error has been committed in a Certificate or in relation thereto, the Board of Trade may, subject and according to the Restrictions and Provisions of this Act, on the Application of the Company, Body, or Person, affected by the Error, and on Notice to the Company or Companies thereby empowered, correct the Error by Certificate.

Proof of Certificate.

22. A Copy of the London, Edinburgh, or Dublin Gazette, containing a Certificate, or a Copy of a Certificate purporting to be printed by the Printers of the London, Edinburgh, or Dublin Gazette, shall be conclusive Evidence of the Certificate and of the due Publication thereof, without any Proof of the Gazette, or without any Proof of the Copy having been in fact so printed, as the Case may be.

Copies of Certificate for Sale.

23. Every Company empowered by a Certificate shall at all Times keep at their Head Office Copies of the Certificate printed by the Printers of the Gazette or One of the Gazettes in which the same was published, in such Form as General Rules direct, to be sold to all Persons desiring to buy the same, at a Price not exceeding *One Shilling* for each Copy.

If any Company fail to comply with this Provision they shall be liable to a Penalty not exceeding *Twenty* Pounds, and to a further Penalty not exceeding *Five* Pounds for every Day during which such Failure continues after the First Penalty is incurred.

24. The Provisions of this Act relative to the first-mentioned Case and to the secondly-mentioned Case respectively shall extend and apply, mutatis mutandis, to the Proprietors of a Railway although not incorporated as a Company.

Application of Act to Proprietors of Railways generally.

25. Penalties under this Act, or under a Certificate, the Recovery and Application whereof are not otherwise provided for, shall be recovered and applied as Penalties under The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (Scotland) Act, 1845, as the Case may require, are recoverable and applicable.

Recovery and Application of Penalties.

26. The Board of Trade shall from Time to Time make such General Rules as may seem fit for the better Execution of this Act, and may from Time to Time alter or revoke any such Rules.

General Rules.

27. All such Rules shall be published in the London, Edinburgh, and Dublin Gazettes, and be laid before both Houses of Parliament.

Publication of Rules.

28. Not later than the Month of *June* in each Year the Board of Trade shall lay before both Houses of Parliament a Report respecting the Applications to and Proceedings of the Board of Trade under this Act during the Year then last past.

Annual Report to Parliament by Board of Trade.

SCHEDULE.

Form of Certificate of Board of Trade.

The Railway Company.

Certificate of the Board of Trade for the Extension of Time for Sale of superfluous Lands.

Whereas the Railway Company have complied with the Requirements of the General Rules of the Board of Trade under The Railway Companies' Powers Act, 1864:

Now, therefore, the Board of Trade do, by this their Certificate, in pursuance of the said Act, and by virtue and in exercise of the Powers thereby in them vested, and of every other Power enabling them in this Behalf, certify as follows:

[*Here are to follow the Provisions of the Certificate showing the Powers conferred and the Terms and Conditions (if any) imposed.*]

(Signed) *C.D.*
Secretary to the Board of Trade.

The Board of Trade,
Whitehall.

Dated this Day of .

Railway Companies' Powers.

A

BILL

To facilitate in certain Cases the obtaining of further Powers by Railway Companies.

(*Prepared and brought in by*
Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed.*
22 *February* 1864.

[Bill 30.]

Under 2 oz.

Railway Companies' Powers Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

Preliminary.

1. Short Title.
2. Interpretation of Terms.

Description of Cases within this Act.

3. Operation of Act in what Cases.

Application for Certificate.

4. Application by Company to Board of Trade.
5. Consideration of Application by Board of Trade.

Opposition to Application.

6. Clause A.—Railway or Canal Company giving Notice of Opposition, Proceedings before Board of Trade to cease.
7. Clause B.—Further Proceedings to be in Parliament.

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8. Power for Board of Trade to settle Certificate according to Nature of Application.
9. Insertion of Conditions in Certificate.
10. Form of Certificate.

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11. Clause C.—Draft to be laid before Houses of Parliament.
12. Clause D.—Notice thereof to be given.
13. Clause E.—Power for either House to veto Certificate.

Issue and Publication of Certificate.

14. Clause F.—If not vetoed, Certificate to issue.
15. Publication of Certificate in Gazette.

Effect of Certificate.

16. Operation of Certificate as Special Act.
17. Judicial Notice of Certificate.
18. Interpretation of Certificate.
19. Partial Incorporation of Clauses Acts.
20. Restrictions on Company as to borrowing, &c.

Miscellaneous.

21. Power for Board of Trade to reject Application.
22. Saving for Operation of General Acts.
23. Certificate under this and Railways Construction Act.
24. Approval by Members of Company required, as under Standing Orders.
25. Power for Board of Trade to amend or revoke Certificate.
26. Power to correct Error.
27. Proof of Certificate.
28. Copies of Certificate for Sale.
29. Application of Act to Proprietors of Railways generally.
30. Recovery and Application of Penalties.
31. CLAUSE G.—Custody of Documents.
32. CLAUSE H.—General Rules in Schedule with Power for Amendment.
33. Annual Report to Parliament by Board of Trade.

SCHEDULE.

(i.) *Notice of Opposition.*
(ii.) *Form of Certificate of Board of Trade.*
(iii.) *General Rules.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Facilitate in certain Cases the obtaining of further Powers by Railway Companies.

WHEREAS it is expedient that in certain Cases Railway Companies be enabled to obtain further Powers on complying with the Conditions of a General Act of Parliament, without being obliged to procure in each Case a Special Act: Preamble.

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Preliminary.

1. This Act may be cited as The Railway Companies' Powers Act, 1864. Short Title.

2. In this Act — Interpretation of Terms.

The Term "Railway" includes Works connected with or for the Purposes of a Railway, and also a Railway authorized to be but not actually constructed:

The Term "Railway Company" means a Company or Body or Persons being Owners or Lessees of or Contractors working a Railway:

The Term "Canal Company" means a Company or Body or Persons being the Owners or Lessees of or Contractors working a Canal or Navigation used for public Traffic:

The Term "Railway Bill" means a Bill pending in or intended to be introduced into either House of Parliament, having for its Object or One of its Objects to authorize the making of a Railway:

The Term "the Companies Clauses Acts" means, so far as the Enactment in which that Term is used relates to England or Ireland, or to a Certificate to be operative in England or Ireland, The Companies Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, or to a Certificate to be operative in Scotland, The Companies Clauses Consolidation (Scotland) Act, 1845; together with in each Case The Companies Clauses Act, 1863:

The Term "the Board of Trade" means the Lords of the Committee for the Time being of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Description of Cases within this Act.

Operation of Act in what Cases.

3. This Act shall take effect and apply in each of the Cases following, namely:—

I.—Where a Railway Company are desirous that Authority should be given to themselves and some other Railway Company or Companies to enter into an Agreement with respect to all or any of the Matters following; namely,

The Maintenance and Management of the Railways of the Companies respectively, or of any One or more of them, or of any Part thereof respectively;

The Use and Working of the Railways or Railway, or of any Part thereof, and the Conveyance of Traffic thereon;

The fixing, collecting, and apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising in respect of Traffic;

The joint Ownership, Maintenance, Management, and Use of a Station or other Work; or the separate Ownership, Maintenance, Management, and Use of several Parts of a Station or other Work:

II.—Where a Railway Company are desirous of obtaining an Extension of the Time limited for the Sale by them of superfluous Lands:

III.—Where a Railway Company incorporated by Special Act or by Certificate under The Railways Construction Facilities Act, 1864, are desirous of obtaining Authority to raise additional Capital.

Application for Certificate.

Application by Company to Board of Trade.

4. In any such Case the Company, if desirous to obtain a Certificate under this Act, shall proceed as follows, namely:

(1.) They shall apply to the Board of Trade for a Certificate under this Act:

(2.) They shall lodge at the Office of the Board of Trade a Draft of the Certificate as proposed by them:

(3.) They shall publish Notice of the Application according to the General Rules under this Act.

Consideration of Application by Board of Trade.

5. As soon as conveniently may be after the Time for Completion of the required Notice, the Board of Trade shall proceed to inquire whether the Company have complied with the Requirements of the General Rules respecting Notice.

Opposition to Application.

Clause A. On Railway or Canal Company giving Notice of Opposition Proceedings before Board of Trade to cease.

6. If in any Case any Railway or Canal Company desire to be heard by Counsel, Agents, and Witnesses against the Application of the Promoters, and (within such Time as is prescribed by General Rules under this Act) lodge at the Office of the Board of Trade a Notice in Writing to that Effect (herein-after referred to as a Notice of Opposition) in the Form set forth in the Schedule to this Act (with such Variations as Circumstances require), in that Case the Board of Trade shall not proceed on the Application of the Promoters.

Clause B. Further Proceedings to be in Parliament.

7. Where a Notice of Opposition is lodged, the Board of Trade shall, not later in any Year than the First Day of March if Parliament is then sitting, and if not, then within Seven Days after the next Meeting of Parliament, lay before both Houses of Parliament a Copy of the Draft Certificate lodged by the Promoters and of the Notice of Opposition; and thereupon the Promoters shall be at liberty to seek by way of Bill in the same Session, in such Manner and on such Conditions as the Houses of Parliament respectively by Standing Order or otherwise from Time to Time direct, such Powers as were sought by them by way of Certificate.

Settlement of Draft Certificate.

Power for Board of Trade to settle Cer-

8. Where a Notice of Opposition is not lodged, then, on the Board of Trade being satisfied that the Company have complied with the Requirements of the General Rules respecting Notice, the Board of tificate according to Nature of Application.

Trade may settle a Draft of a Certificate, certifying to the Effect following; namely,—

In the first-mentioned Case, that the Companies in the Certificate specified are authorized to agree among themselves with respect to all or any of the Matters aforesaid in the Certificate specified;

In the secondly-mentioned Case, that the Time limited for the Sale by the Company of superfluous Lands is extended as in the Certificate specified;

In the thirdly-mentioned Case, that the Company are authorized to raise, as Capital, for the Purposes of the Certificate, such additional Sum of Money as therein limited, by the Issue of new Shares or new Stock, either Ordinary or Preference, or partly Ordinary and partly Preference, or partly in that Mode and partly by borrowing on Mortgage, at the Option of the Company, or as may be prescribed in the Certificate, and with Power to create and issue Debenture Stock.

Insertion of Conditions in Certificate.

9. The Board of Trade may insert in the Certificate such Restrictions and Provisions, and such Terms and Conditions, as they, according to the Circumstances of the Case, deem necessary or proper for better effectuating the Purposes of the Certificate in conformity with the Objects and Provisions of this Act; and the same shall be deemed to all Intents Part of the Certificate.

Form of Certificate.

10. The Certificate may be in the Form set forth in the Schedule to this Act, with such Variations as Circumstances require.

Submission of Draft Certificate to Houses of Parliament.

CLAUSE C. Draft to be laid before Houses of Parliament.

11. The Board of Trade shall lay the Draft Certificate settled by them before both Houses of Parliament, within Seven Days after the same is settled, if Parliament is then sitting, or if not, then within Seven Days after the next Meeting of Parliament, but not later in any Year than the First Day of June, unless either House of Parliament thinks fit in any Year to extend that Period beyond the First Day of June.

CLAUSE D. Notice thereof to be given.

12. On the Draft Certificate being settled the Promoters shall give Notice thereof according to General Rules under this Act.

CLAUSE E. Power for either House to veto Certificate.

13. If either House of Parliament within Six Weeks after the Draft of a Certificate settled by the Board of Trade is laid before that House, or within such extended Period as either House thinks fit in any Case to appoint, resolves that the Certificate ought not to be made, the same shall not be further proceeded with.

Issue and Publication of Certificate.

CLAUSE F.

If not vetoed, Certificate to issue.

14. If neither House of Parliament within the Period or extended Period aforesaid thinks fit to resolve that the Certificate ought not to be made, then as soon as the Period of Six Weeks after the laying of the Draft Certificate before both Houses of Parliament or as soon as such extended Period as aforesaid (if any) has expired, the Board of Trade may make and issue a Certificate in conformity with such Draft.

Publication of Certificate in Gazette.

15. The Certificate shall be published as follows; namely,

Where One Company only is thereby empowered, then in the London, Edinburgh, or Dublin Gazette, according as the Head Office of the Company is situate in England, Scotland, or Ireland:

Where Two or more Companies are thereby empowered, then in One or more of the Gazettes, according as the several Head Offices of the Companies respectively are situate in England, Scotland, and Ireland respectively.

Effect of Certificate.

Operation of Certificate as Special Act.

16. As from the Time (not being prior to such Publication) in the Certificate prescribed, and if none is prescribed then as from the Time of such Publication, the Certificate shall have the same Force and Operation, and shall be as absolutely valid and conclusive to all Intents, as if the Contents thereof (taken in conjunction with this Act) had been expressly enacted by Parliament; and the Validity of the Certificate shall not be impeached on account of any alleged Error or Informality, or on any other Ground whatever, in any Court or elsewhere.

Judicial Notice of Certificate.

17. The Certificate shall be judicially noticed without being specially pleaded.

Interpretation of Certificate.

18. Terms used in the Certificate shall (unless it is otherwise provided therein) have the same Meanings as they have when used in this Act.

Partial Incorporation of Clauses Acts.

19. There shall be incorporated with the Certificate (which shall for this Purpose be deemed the Special Act)—

In the first-mentioned Case, Part III. of The Railways Clauses Act, 1863;

In the thirdly-mentioned Case, the Companies Clauses Acts, except as may be in the Certificate excepted, and except as to Access to the Special Act.

Restrictions on Company as to borrowing, &c.

20. In the thirdly-mentioned Case, the Company, whether incorporated by Special Act, or by Certificate, or otherwise, shall, except so far as may be expressly otherwise provided in some Special Act or Certificate, be subject to the following Restrictions, namely:

(1.) They shall not borrow any Money until the whole of their nominal Capital authorized by the Certificate is subscribed for or taken, and until One Half thereof is actually paid up, and until they prove to a Justice of the Peace, or (in Scotland) a Sheriff (and in the Case of a Company which is subject to the Companies Clauses Acts the same Justice who is to certify under Section 40. of The Companies Clauses Consolidation Act, 1845, or the same Sheriff who is to certify under Section 42. of The Companies Clauses Consolidation (Scotland) Act, 1845, as the Case may be, before he so certifies), that the whole of the nominal Capital has been subscribed for or taken in good Faith, and is held by Subscribers or their Assigns, and that those Subscribers or their Assigns are legally liable for the same (of which Matters the Certificate of the Justice or Sheriff shall be sufficient Evidence):

(2.) They shall not borrow a larger Sum in the whole than One Third of the Amount of their nominal Capital authorized by the Certificate:

(3.) They shall not out of Money raised under the Certificate by Calls or borrowing pay Interest or Dividend to a Shareholder on the Amount of Calls made on his Shares, whether created under the Certificate or otherwise (but this Provision shall not prevent them paying to a Shareholder under the Certificate such Interest on Money advanced by him beyond the Amount of Calls actually made as is allowed by the Companies Clauses Acts):

(4.) They shall not out of Money so raised pay or deposit any Money that may be required to be paid or deposited in relation to any Application to Parliament or the Board of Trade:

(5.) They shall apply every Part of the Money so raised only for the Purposes for which it is by the Certificate authorized to be applied.

Miscellaneous.

Power for Board of Trade to reject Application.

21. Nothing in this Act shall make it obligatory on the Board of Trade to settle a Draft of a Certificate in any Case if it appears to the Board of Trade for any Reason that it would not be for the public Advantage that the Application for a Certificate should be complied with.

Saving for Operation of General Acts.

22. Nothing in the Certificate shall exempt any Railway to which it relates, or the Company to whom that Railway belongs, [illegible] from the Provisions of any General Act of Parliament relating to Railways, or to the better Audit of the Accounts of Railway Companies, passed before the issuing of the Certificate, except a Provision in the Certificate expressly referring to the General Act, and expressly containing such Exemption; and nothing in the Certificate shall exempt any Railway to which it relates, or the Company to whom that Railway belongs, from the Provisions of any such General Act, to be passed after the issuing of the Certificate, or from any Revision and Alteration under the Authority of Parliament of the maximum Tolls and Charges allowed to be taken in respect of that Railway.

Certificate under this and Railways Construction Act.

23. A Certificate may be made under this Act and The Railways Construction Facilities Act, 1864, jointly; and in any such Case the Forms of Certificate given in this Act and the said Act may be adapted to the Circumstances of the Case.

Approval by Members of Company required, as under Standing Orders.

24. Where, in case the Company were proceeding by a Railway Bill instead of under this Act, the Approval of the Bill in any Manner by the Members of the Company would be required under the Standing Orders of either House of Parliament for the Time being in force, it shall be the Duty of the Board of Trade not to issue a Certificate without being satisfied that the Members of the Company have in like Manner approved of the Application to the Board of Trade.

Power for Board of Trade to amend or revoke Certificate.

25. Subject and according to the Restrictions and Provisions of this Act, the Board of Trade, on the Application of the Company, may from Time to Time amend, extend, or vary by Certificate any Certificate issued under this Act, and may by Certificate revoke a previous Certificate issued under this Act.

Power to correct Error.

26. If in any Case it is made to appear to the Board of Trade that any Error has been committed in a Certificate or in relation thereto, the Board of Trade may, subject and according to the Restrictions and Provisions of this Act, on the Application of the Company, Body, or Person, affected by the Error, and on Notice to the Company or Companies thereby empowered, correct the Error by Certificate.

Proof of Certificate.

27. A Copy of the London, Edinburgh, or Dublin Gazette, containing a Certificate, or a Copy of a Certificate purporting to be printed by the Printers of the London, Edinburgh, or Dublin Gazette, shall be conclusive Evidence of the Certificate and of the due Publication thereof, without any Proof of the Gazette, or without any Proof of the Copy having been in fact so printed, as the Case may be.

Copies of Certificate for Sale.

28. Every Company empowered by a Certificate shall at all Times keep at their Head Office Copies of the Certificate printed by the Printers of the Gazette or One of the Gazettes in which the same was published, in such Form as General Rules direct, to be sold to all Persons desiring to buy the same, at a Price not exceeding One Shilling for each Copy.

If any Company fail to comply with this Provision they shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the First Penalty is incurred.

Application of Act to Proprietors of Railways generally.

29. The Provisions of this Act relative to the first-mentioned Case and to the secondly-mentioned Case respectively shall extend and apply, mutatis mutandis, to the Proprietors of a Railway although not incorporated as a Company.

Recovery and Application of Penalties.

30. Penalties under this Act, or under a Certificate, the Recovery and Application whereof are not otherwise provided for, shall be recovered and applied as Penalties under The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (Scotland) Act, 1845, as the Case may require, are recoverable and applicable.

Clause G. Custody of Documents. 7 Will. 4. & 1 Vict. c. 83.

31. The Act of the Session of the Seventh Year of King William the Fourth and the First Year of Her Majesty (Chapter Eighty-three), "to compel Clerks of the Peace and other Persons to take the "Custody of such Documents as shall be directed to be deposited "with them under the Standing Orders of either House of Par"liament," shall apply to Documents required to be deposited by General Rules under this Act.

Clause H. General Rules in Schedule, with Power for Amendment.

32. The General Rules under this Act shall in the first instance be those set forth in the Schedule to this Act; and the Board of Trade may from Time to Time, for the better Execution of this Act, make General Rules adding to, altering, or revoking any General Rules for the Time being in force under this Act; but any General Rules so made by the Board of Trade shall not have Effect unless and until they are laid before both Houses of Parliament, and if either House of Parliament, within Six Weeks after the same are laid before that House, thinks fit to resolve that the same or any Part thereof ought not to take Effect, the same or that Part thereof (as the Case may be) shall not take Effect; otherwise all Rules made by the Board of Trade under the present Section shall be of the same Force and Effect as if they had been comprised in the Schedule to this Act.

All General Rules which are to take Effect under the present Section shall be published in the London, Edinburgh, and Dublin Gazettes.

Annual Report to Parliament by Board of Trade.

33. Not later than the Month of July in each Year the Board of Trade shall lay before both Houses of Parliament a Report respecting the Applications to and Proceedings of the Board of Trade under this Act during the Year then last past.

The SCHEDULE referred to in the foregoing Act.

(i.)—*Notice of Opposition.*

In the Matter of
The Railway Companies' Powers Act, 1864,
and
The Application of the Railway Company for a Certificate the Draft whereof is intituled [*set out Title*].

We, the Railway [*or* Canal] Company, [*or as the Case may be*], hereby declare and give Notice that we desire to be heard by Counsel, Agents, and Witnesses against the granting to the above-named Railway Company of the Powers sought to be obtained by them by the above-mentioned Application.

Dated this Day of , 18 .

Witness, *A.B.*

L.S.

(ii.)—*Form of Certificate of Board of Trade.*

The Railway Company.
Certificate of the Board of Trade for the Extension of Time for Sale of superfluous Lands.

Whereas the Railway Company have complied with the Requirements of The Railway Companies' Powers Act, 1864:

Now, therefore, the Board of Trade do, by this their Certificate in pursuance of the said Act, and by virtue and in exercise of the Powers thereby in them vested, and of every other Power enabling them in this Behalf, certify as follows:

[*Here are to follow the Provisions of the Certificate showing the Powers conferred and the Terms and Conditions (if any) imposed.*]

(Signed) *C.D.*
Secretary to the Board of Trade.

The Board of Trade,
Whitehall.
Dated this Day of .

(iii.)—*General Rules.*

Form of Application.

1. The Application to the Board of Trade for a Certificate is to be made by a Memorial in Writing under the Common Seal of the Company, lodged at the Office of the Board of Trade.

2. Together with the Memorial the Company are to lodge a printed Draft of the Certificate as proposed by the Company.

Advertisements as to Application.

3. Notice of the Application to the Board of Trade is to be given by Advertisement published as follows, namely:

In every Case, once in each of Two successive Weeks in some One and the same Newspaper of the County, City, or Town, or County of a City or Town, wherein the Head Office of the Promoters is situate:

In the Case referred to in the foregoing Act as the first-mentioned Case, once in each of Two successive Weeks in some One and the same Newspaper of each County, City, or Town, or County of a City or Town, wherein the Head Office of any Railway Company with whom the Promoters propose to enter into an Agreement is situate:

If in any Case there is not any such Newspaper as herein-before described then in like Manner in a Newspaper of some adjoining or neighbouring County:

In every Case, once at least in the London, Edinburgh, or Dublin Gazette respectively, if the Railway will be situate wholly in England or Scotland, or in Ireland; and both in the London and in the Edinburgh Gazette if the Railway will be situate partly in England and partly in Scotland.

4. The Advertisements are to be published either in the Month of June or in the Month of November and not at any other Time.

5. Each Advertisement is to give the Address of an Office in London where Copies of the Draft Certificate will be supplied as herein-after directed.

6. Each Advertisement is to state that all Persons desirous of making to the Board of Trade any Representation respecting the Application may do so by Letter addressed to the Secretary of the Board of Trade, on or before the First Day of August or First Day of January next succeeding the Date of the Advertisement, according as the same is published in the Month of June or in the Month of November.

7. Within One Week after the Publication of the latest Advertisement, a Copy of each of the Newspapers and Gazettes containing the several Advertisements is to be lodged at the Office of the Board of Trade.

Notice to Landowners.

8. In the Case referred to in the foregoing Act as the secondly-mentioned Case, the Promoters shall, either in the Month of June or in the Month of November, serve Notice of the Application on the Owners of Lands adjoining to the Lands to which the Application relates.

Notice of Opposition.

9. Notice of Opposition is to be lodged at the Office of the Board of Trade, not later than the First Day of August or First Day of January next succeeding the Date of the Advertisement of Application, according as the same is published in the Month of June or in the Month of November.

Notice of Settlement of Draft Certificate.

10. On the Draft Certificate being settled by the Board of Trade, the Promoters are to serve a Copy thereof, with a Notice that the Draft has been settled by the Board of Trade, on every Company, Body, or Person by whom any Representation respecting the Application was made to the Board of Trade, and are also to give by Advertisement or otherwise such public or other Notice (if any) thereof, as according to the Circumstances of the Case the Board of Trade direct.

Supply of Copies of Draft Certificate.

11. From the Time of the Publication of the first Advertisement the Promoters are to keep in the Office mentioned in this Behalf in the Advertisement, a sufficient Number of Copies of the Draft of the Certificate as proposed by them, and are to furnish there Copies to all Persons applying for them at the Price of not more than Sixpence each.

12. From the Time of the Settlement of the Draft Certificate by the Board of Trade, the Promoters are to keep in the Office aforesaid Copies of the Draft supplied to them for that Purpose by the Board of Trade, and are to furnish there Copies thereof to all Persons applying for them at such Price (if any) as the Board of Trade from Time to Time direct.

Printing of Certificate.

13. Copies of the Certificate printed by the Printers of a Gazette are to be printed on ordinary White Folio Paper, similar in Size to the Paper on which the Public General Acts of Parliament are printed for Public Sale.

Railway Companies' Powers.

A

BILL

[AS AMENDED IN COMMITTEE]

To facilitate in certain Cases the obtaining of further Powers by Railway Companies.

(Prepared and brought in by
Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed.*
19 *May* 1864.

[Bill 110.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

RAILWAY COMPANIES POWERS BILL.

Note.—*The Page and Line refer to the Bill* (121.) *as printed by the Lords.*

Page 1.

Line 15. Leave out from ("constructed") to ("The") in Page 2. Line 7.

Page 3.

Line 17. After ("Notice") insert Clause A.

Clause A. The Board of Trade, before settling a Draft of a Certificate, shall take into consideration any Representation made to them, and shall duly inquire into the Merits of any Objection brought before them respecting the Application.

Line 18. After ("Opposition") insert ("of Railway or Canal "Company")

Line 26. After ("Trade") insert ("if in their Opinion the "Railway or Canal Campany lodging the Notice would be affected in "any way by the proposed Certificate")

Line 27. Leave out ("a Notice of Opposition is lodged"), and after ("Trade") insert ("do not proceed on the Application, "they")

Line 28. Leave out ("First") and insert ("Fifteenth"), and leave out ("March") and insert ("February")

Line 32. Leave out ("thereupon")

Line 38. Leave out ("a Notice of Opposition is not lodged, then "on")

Line 39. After ("Trade") insert ("proceed on the Application, "then on")

Line 40. Leave out from ("Notice") to ("may") in Page 4. Line 1. and insert ("they")

Page 4.

Line 1. After ("may") insert ("if they think fit")

Line 18. After ("may") insert ("subject to the Provisions of "this Act, and having regard to the Provisions of any Special Act "relating to any Company empowered by a Certificate")

Lines 18 and 19. Leave out ("Restrictions and")

Line 19. Leave out ("and such Terms and Conditions")

Line 21. Leave out from ("Certificate") to the Second ("and") in Line 22.

Line 25. Leave out ("Variations as Circumstances require") and insert ("Provisions as aforesaid")

Line 31. Leave out from ("June") to the End of the Clause.

Line 38. Leave out from the First ("House") to ("resolves") in Line 39.

Page 5.

Lines 2 and 3. Leave out ("or extended Period")

Line 5. Leave out from ("Parliament") to ("has") in Line 6.

Line 26. Leave out ("Error or"), and leave out ("or any "other Ground whatever")

Line 30. Leave out from ("shall") to the First ("have") in Line 31.

Line 37. Leave out from ("Acts") to the End of the Clause and insert Clauses B. and C.

CLAUSE B. In the first-mentioned Case, during the Continuance of any Agreement for the joint working of any Two Railways, the Distances traversed shall be reckoned continuously on such Railways as if they were One Railway")

CLAUSE C. It shall not be lawful for any Company empowered by a Certificate under this Act to issue any Share created under the Authority of the Certificate, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One-fifth Part of the Amount of such Share is paid up in respect thereof.

Page 6.

Line 2. Leave out ("or otherwise"), and leave out from ("shall") to ("be") in Line 4.

Line 5. Leave out ("borrow any Money") and insert ("exer-"cise any Power of borrowing Money under the Certificate")

Lines 5 and 6. Leave out ("their nominal") and insert ("the "Share")

Line 8. Leave out from ("to") to ("Justice") in Line 10. and insert ("the")

Line 12. After ("or") insert ("(in Scotland) to") and leave out ("same")

Line 14. After ("that") insert ("Shares for")

Line 15. Leave out ("nominal"), and leave out ("has been "subscribed for or") and insert ("are issued and accepted, and "that not less than One-fifth Part of the Amount of each separate "Share has been paid up on account thereof before or at the Time "of the Issue or Acceptance thereof, and that all such Shares "are")

Line 16. Leave out (" is ") and insert (" are "), and after (" by ") insert (" the ")

Line 17. Leave out (" and that "), and leave out (" are ") and insert (" being ")

Line 21. Leave out (" their nominal ") and insert (" the " Share ")

Line 40. Leave out from (" that ") to (" the ") in Line 41.

Line 41. After (" should ") insert (" not ")

Page 7.

Line 3. Leave out from (" before ") to (" after ") in Line 8. and insert (" or ")

Line 20. Leave out (" it shall be the Duty of "), and after (" Trade ") insert (" shall ") and leave out (" to ")

Line 34. Leave out (" thereby "), and after (" empowered ") insert (" by the Certificate "), and after (" by ") insert (" a " further ")

Line 35. After (" London ") insert (" or ")

Page 9.

Line 4. Leave out (" Month ") and insert (" First Day ")

Line 15. Leave out (" (or as the Case may be) ")

Line 24. After (" Lands ") insert (" (or as the Case may be) ")

Page 10.

Line 11.
Line 15. } Leave out (" Two ") and insert (" Three ")

Line 21. Leave out from (" County ") to the End of the Paragraph and insert

(" In every Case where One Company only is proposed to " empowered, then in the London, Edinburgh, or Dublin " Gazette, according as the Head Office of the Company is " situate in England, Scotland, or Ireland:

" In every Case where Two or more Companies are proposed to " be empowered, then in One or more of the Gazettes, according as the several Head Offices of the Company respectively " are situate in England, Scotland, and Ireland respectively ")

Line 31. After (" Representation ") insert (" or of bringing " before them any Objection ")

Line 41. Leave out (" shall either ")

Line 42. After (" November ") insert (" (as the Case may be), " in which the Advertisements are published, are to, ")

Line 45. After (" Opposition ") insert (" by a Railway or Canal " Company ")

Page 11.

Line 5. After (" Representation ") insert (" or Objection "), and after (" to ") insert (" or brought before ")

LORDS AMENDMENTS

TO THE

RAILWAY COMPANIES POWERS BILL.

Ordered, by The House of Commons, *to be Printed,*
26 *July* 1864.

[Bill 236.]

Under 1 *oz.*

A

BILL

FURTHER

To secure to the Public the Means of travelling by Railway in Ireland.

Preamble.

WHEREAS it is expedient to make further Provision for securing to the Public the Means of travelling by Railways in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Railway Companies shall run One Passenger Train each Way every Sunday.

1. From and after the *passing of this Act*, every Passenger Railway Company in Ireland, so long as they shall continue to carry Passengers on Week Days over any Trunk, Branch, or Junction Line belonging to or leased by them, shall, by means of One Train at the least each Way, provide for the Conveyance of Passengers on every Sunday in the Year to and from the Terminal and other ordinary Passenger Stations of the Lines so as aforesaid belonging to or leased by them, under the Obligations contained in their several Acts of Parliament, and with the Immunities applicable by Law to Carriers of Passengers by Railways.

Board of Trade may fix the Hour such Train shall start.

2. In case on any Railway in Ireland there shall be only One Sunday Passenger Train each Way, such Train shall start at an Hour to be from Time to Time fixed by the Directors of the Company working such Line, subject to the Approval of the Board of Trade, who shall have Power to alter the Hour so fixed, and to appoint another, if they shall consider such other Hour more suitable to afford reasonable Accommodation to the Public desirous of using such Railway than the Hour fixed by the said Directors.

Third-class Passengers shall be conveyed within a Day from End to End along all Lines forming One continuous Railway Communication on which First and Second-class Passengers are conveyed from End to End in One Day.

3. Every Passenger Railway Company in Ireland having or working a Trunk Line or Junction Line in Ireland which forms or shall form Part of a continuous Line of Railway Communication with any Branch Line in Ireland, and over which First and Second-class Passengers are or shall be conveyed by an ordinary Train from the Terminal or other ordinary Passenger Stations of said Branch Line to the Terminal or other ordinary Passenger Stations of said Trunk or Junction Line in One Day, shall, by means of One Train at the least each Way on every Day such Company shall run Passenger Trains, provide Accommodation for the Conveyance in One Day of Third-class Passengers from the Terminal or other ordinary Passenger Stations of the said Branch Line to the Terminal or other ordinary Passenger Stations of the said Trunk or Junction Line, and vice versâ, so that Third-class Passengers may be enabled to travel in One Day from the Terminal or other Passenger Stations of the said Branch Line to the Terminal or other Passenger Stations of the said Trunk or Junction Line, and vice versâ, in all Cases when Accommodation for that Purpose is provided by any Railway Company for First and Second-class Passengers by any Ordinary Train.

Board of Trade to settle Disputes between Companies about the Hours of forwarding Third-class Passengers.

4. In case the Companies working the different Lines which may from Time to Time form One continuous Line of Railway Communication in Ireland shall differ about the Hours at which Accommodation for Third-class Passengers shall be severally provided by them, in order to carry out the Provisions of this Act, the Matter shall be referred to the Board of Trade, who shall have Power from Time to Time to fix the Hours at which such Accommodation shall be severally provided by the said Companies for Third-class Passengers, to carry out the Object aforesaid.

Provisions of this Act to be enforced in the same Manner as the Provi-

5. The Provisions of this Act may be enforced by all the Modes provided by the Railway and Canal Traffic Act, 1854, for enforcing the Provisions of that Act; and Railway Companies shall be liable for the Nonperformance of the Provisions of this Act to all the

Penalties imposed on them by the said Act for the Nonperformance of the Provisions of that Act.

sions of the Railway and Canal Traffic Act, 1854.

Construction of Terms in this Act.

6. In the Construction of this Act the Words "One Day" shall be considered to mean from *Seven o' Clock* in the Morning till *Ten o' Clock at Night;* the Words "Branch Railway" shall mean any Railway or Portion of a Railway forming a continuous Line of Railway Communication with any Railway of a greater Mileage than itself; and the Words "Board of Trade" shall mean the Lords of the Committee of Privy Council for Trade and Plantations.

Title of this Act.

7. This Act may be cited as "The Railway Traffic Act (Ireland), 1864."

Railway Travelling (Ireland).

A

B I L L

Further to secure to the Public the Means of travelling by Railway in Ireland.

(Prepared and brought in by
Sir Colman O'Loghlen, Colonel Vandeleur,
Mr. Monsell, Colonel Dickson, and
Captain Stacpoole.)

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1864.

[Bill 137.]

Under 1 *oz.*

Railways Construction Facilities Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Sect.

1. Short Title.
2. Interpretation of Terms.

Contracts for Lands.

3. Power for Promoters of Railway and all Persons interested in Land to enter into Provisional Contracts for Land required.
4. Contracts for Sale of Lands belonging to Crown or Duchy of Lancaster or Cornwall.
5. User of or Interference with Public or Turnpike Roads, &c.

Application for Certificate.

6. After Land contracted for, Power for Promoters to apply for Certificate, publish Notices, &c.
7. Consideration of Application by Board of Trade.
8. Declaration in Schedule A., Evidence.

Certificate.

9. Power for Board of Trade to issue Certificate.
10. Conditions in Certificate.
11. Form of Certificate.
12. Publication in Gazette.
13. Operation of Certificate as a Special Act.
14. Judicial Notice of Certificate.
15. Interpretation of Certificate.
16. Cesser of Powers at Expiration of prescribed Time.

Lands.

17. Incorporation of Lands Clauses Acts in Certificate, except Provisions giving compulsory Powers, &c.

Incorporation of Company.

18. In what Cases Company shall be incorporated.
19. In others Company may be incorporated.

20. Power for Board of Trade to incorporate Company by Certificate.
21. Incorporation of Companies Clauses Acts.
22. Restrictions on Company as to borrowing, &c.
23. Contracts by Promoters binding on Company.

Construction of Railway.

24. Incorporation of Railways Clauses Acts in Certificate, except as to compulsory Powers, &c.
25. Restriction on Alterations of Plan or Section.
26. Provision respecting Gauge.

Security for Completion of Railway.

27. Promoters to deposit Eight per Cent. on Estimate in Court of Chancery, &c.
28. Warrant of Board of Trade for Payment into Court.
29. Liberty for Promoters to bring in Exchequer Bills, &c.
30. Provision for Vacations in Offices of Courts.
31. Power for Court to direct Investment.
32. Interpretation of "Deposit Fund" and "Depositors" in following Provisions.
33. Repayment of Deposit where Certificate refused.
34. Repayment of Deposit where Promoters not such a Company.
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SCHEDULES.

A

BILL

TO

Facilitate in certain Cases the obtaining of Powers for the Construction of Railways.

WHEREAS it is expedient that where all Landowners and other Parties beneficially interested are consenting to the making of a Railway, the Persons desirous of making the same should be enabled to obtain Power to do so, on complying with the Conditions of a General Act of Parliament, without being obliged to procure a Special Act: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Construction of Railways Facilities Act, 1864. Short Title.

2. In this Act— Interpretation of Terms.

The Term "Lands" includes any Estate, Right, or Interest in Lands:

The Term "the Promoters" means in each Case the Company, Body, or Persons intending to apply to the Board of Trade for such a Certificate as is herein-after provided for, and, after the

Application is made, the Company, Body, or Persons actually making the Application, as the Case may require:

The Term "the Railway" means in each Case the Railway and Works intended by the Promoters before the issuing of the Certificate, and, after the issuing thereof, the Railway and Works therein comprised, as the Case may require:

The Term "the Lands Clauses Acts" means, so far as the Enactment in which that Term is used relates to England or Ireland, or to a Certificate to be operative in England or Ireland, The Lands Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, or to a Certificate to be operative in Scotland, The Lands Clauses Consolidation (Scotland) Act, 1845; together with, in each Case, The Lands Clauses Consolidation Acts Amendment Act, 1860:

The Term "the Companies Clauses Acts" means, so far as the Enactment in which that Term is used relates to England or Ireland, or to a Certificate to be operative in England or Ireland, The Companies Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, or to a Certificate to be operative in Scotland, The Companies Clauses Consolidation (Scotland) Act, 1845; together with, in each Case, The Companies Clauses Act, 1863:

The Term "the Railways Clauses Acts" means, so far as the Provision in which that Term is used relates to England or Ireland, or to a Certificate to be operative in England or Ireland, The Railways Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, or to a Certificate to be operative in Scotland, The Railways Clauses Consolidation (Scotland) Act, 1845; together with, in each Case, The Railways Clauses Act, 1863:

The Term "Railway Bill" means a Bill pending in or intended to be introduced into either House of Parliament, having for its Object or one of its Objects to authorize the making of a Railway:

The Term "the Board of Trade" means the Lords of the Committee for the Time being of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Contracts for Lands.

Power for Promoters of Railway and all Persons interested in Land to enter into Provisional Contracts for Land required.

3. Where Promoters of a Railway intend to apply, under this Act, for Authority to make the Railway, they and all Parties seised or possessed of or entitled to Lands required for the Railway shall, in order to the Purchase or taking and Sale of those Lands for the Railway, have all such Powers and Capacities as, in order to the Purchase or taking and Sale of Lands required for an Undertaking authorized by a Special Act of Parliament, are conferred by the

Lands Clauses Acts on the Promoters of the Undertaking so authorized and on Parties seised or possessed of or entitled to Lands, or any Estate, Right, or Interest in Lands, required for that Undertaking; all which Powers and Capacities shall be enjoyed and may be exercised by the Promoters, and by all such Parties as aforesaid, as fully and effectually in all respects as if the Promoters had obtained a Special Act incorporating the Lands Clauses Acts and authorizing them to make the Railway and to purchase or take the Lands required for the same; subject, nevertheless, to the following Restrictions and Provisions, namely:—

(1.) Nothing herein shall confer on the Promoters and Parties aforesaid any of the Powers or Capacities conferred by the Part of the Lands Clauses Acts with respect to the Purchase and taking of Lands otherwise than by Agreement, or by the Part of those Acts with respect to the Entry upon Lands by the Promoters of the Undertaking, or by such Provisions of those Acts as provide for the Determination or Ascertainment of the Amount of any Purchase or Compensation Money, or the Settlement of any Apportionment or other Matter, otherwise than by Agreement, (except only as to such of those Provisions as provide for the Determination of the Amount of Compensation to be paid for Enfranchisement of Copyholds; and for the Purposes of the present Section, Section 96 of The Lands Clauses Consolidation Act, 1845, relating to the Enfranchisement of Copyholds, shall be read and have effect as if the Limitation of Time therein contained were omitted therefrom):

(2.) Any Party under Disability or Incapacity, and not having Power to sell and convey or release any Lands, except under the Lands Clauses Acts, as applied by the present Section, shall have Capacity only to contract with the Promoters for the Sale of those Lands, and shall not (before such a Certificate of the Board of Trade, as is herein-after provided for, comes into operation) have Capacity, further or otherwise than if this Act had not been passed, to carry the Contract into execution, or in pursuance thereof to convey or deliver Possession of or release those Lands:

(3.) The Promoters (before such a Certificate as aforesaid comes into operation) shall be empowered by this Act only to contract for Lands, and they shall not have Capacity, further or otherwise than if this Act had not been passed, to take or hold Lands.

Contracts for Sale of Lands belonging to

4. Where Lands required for the Railway belong to or are enjoyed by Her Majesty the Queen, Her Heirs or Successors, in right of the Crown, or form Part of the Possessions of the Duchy of Lancaster or

Crown or Duchy of Lancaster or Cornwall.

or of the Duchy of Cornwall, any Contract for the Purposes of this Act may be entered into in respect of those Lands, as follows, namely:

In the first-mentioned Case, by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with the Consent of the Commissioners of Her Majesty's Treasury;

In the secondly-mentioned Case, by the Chancellor of the Duchy by Writing under his Hand attested by the Clerk of the Council of the Duchy;

In the thirdly-mentioned Case, by the Duke of Cornwall or other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy.

User of or Interference with Public or Turnpike Roads, &c.

5. The User, either temporary or permanent, for the Construction of the Railway or for any Purpose connected with the Railway, of the Surface or Soil of a Public or Turnpike Road, or of the Surface or Soil of Land belonging to a Body of Trustees or Commissioners or other Body incorporated or constituted by Special Act, and not associated for Purposes of Gain, or the Diversion of or other Interference with such a Road, the User, Diversion, or Interference being authorized by such a Certificate of the Board of Trade as is herein-after provided for, shall not be deemed a taking or using of Lands within the Meaning of this Act, or of the Certificate, or any Act incorporated therewith; but, except in case of Diversion of a Road, the Company, Body, or Persons empowered by the Certificate shall not be deemed to acquire by virtue of the Certificate any Right other than that of User only in the Surface or Soil of such Road or Land as aforesaid.

Application for Certificate.

After Land contracted for, Power for Promoters to apply for Certificate, publish Notices, &c.

6. When the Promoters have contracted for the Purchase of all the Lands required for the Railway, they may proceed as follows, namely:

(1.) They may apply to the Board of Trade for a Certificate under this Act:

(2.) They may deposit Maps, Plans, Sections, and Books of Reference, and an Estimate of the Expense of the Construction of the Railway, according to General Rules to be made by the Board of Trade under this Act:

(3.) They may publish Notice of the Application according to such General Rules.

Consideration of Application by Board of Trade.

7. As soon as conveniently may be after the Completion of the required Deposit and Notice the Board of Trade shall proceed to consider the Application, and shall inquire whether the Promoters have contracted for the Purchase of all the Lands required for the Railway, and have complied with the Requirements respecting Deposit and Notice.

8. A

Declaration in Sched. A., Evidence.

8. A Declaration made before a Justice of the Peace by the Solicitor for the Promoters, to the Effect and in the Form of the Declaration set forth in Schedule A. to this Act (with such Variations as Circumstances require), shall be admitted by the Board of Trade as Evidence of the Matters therein declared to.

Certificate.

Power for Board of Trade to issue Certificate.

9. On the Board of Trade being satisfied that the Promoters have contracted for the Purchase of all the Lands required for the Railway, and have complied with the Requirements respecting Deposit and Notice, the Board of Trade may make and issue a Certificate certifying to the Effect that the Company, Body, or Persons therein specified are authorized to make the Railway therein described.

Conditions in Certificate.

10. The Board of Trade may insert in the Certificate such Restrictions and Provisions, and such Terms and Conditions, as they, according to the Circumstances of the Case, deem necessary or proper for better effectuating the Purposes of the Certificate in conformity with the Objects and Provisions of this Act; and the same shall be deemed to all Intents to form Part of the Certificate.

Form of Certificate.

11. The Certificate may be in the Form set forth in Schedule B. to this Act, with such Variations as Circumstances require.

Publication in Gazette.

12. The Certificate shall be published in the London, Edinburgh, or Dublin Gazette, respectively, if the Railway will be situate wholly in England or Scotland, or in Ireland; and shall be published both in the London and in the Edinburgh Gazette, if the Railway will be situate partly in England and partly in Scotland.

Operation of Certificate as a Special Act.

13. As from the Time (not being prior to such Publication) in the Certificate prescribed, and if none is prescribed then as from the Time of such Publication, the Certificate shall have the same Force and Operation, and shall be as absolutely valid and conclusive to all Intents, as if the Contents thereof (taken in conjunction with this Act) had been expressly enacted by Parliament; and the Validity of the Certificate shall not be impeached on account of any alleged Error or Informality, or on any other Ground whatever, in any Court or elsewhere.

Judicial Notice of Certificate.

14. The Certificate shall be judicially noticed without being specially pleaded.

Interpretation of Certificate.

15. Terms used in the Certificate shall (unless it is otherwise provided therein) have the same Meanings as they have when used in this Act.

Cesser of Powers at Expiration of prescribed Time.

16. If the Company, Body, or Persons by the Certificate empowered to make the Railway do not within the Time prescribed in the Certificate, and if none is prescribed then within *Five* Years from the Commencement of the Operation of the Certificate, complete the Railway and open it for public Traffic, then (subject to any Provisions and Qualifications in the Certificate contained) all the Powers and Authorities given by the Certificate shall, from and after the Expiration of the Time aforesaid, cease, except as to so much of the Railway as may be then completed.

Lands.

Incorporation of Lands Clauses Acts in Certificate, except Provisions giving compulsory Powers, &c.

17. The Lands Clauses Acts shall be incorporated with the Certificate (which shall for this Purpose be deemed the Special Act) except as may be therein excepted, and except as to the following Provisions, namely,—

(1.) With respect to the Purchase and taking of Lands otherwise than by Agreement;

(2.) With respect to the Entry upon Lands by the Promoters of the Undertaking (but excluding from this Exception Section 91. of The Lands Clauses Consolidation Act, 1845, and Section 89. of The Lands Clauses Consolidation (Scotland) Act, 1845):

(3.) So much of those Acts as provides for the Determination or Ascertainment of the Amount of any Purchase or Compensation Money, or the Settlement of any Apportionment or other Matter, otherwise than by Agreement (but excluding from this Exception so much of those Acts as provides for the Determination of the Amount of Compensation to be paid for Enfranchisement of Copyholds):

(4.) With respect to the Provision to be made for affording Access to the Special Act by all Parties interested:

and subject to this Restriction,—that the Part of the Lands Clauses Acts with respect to Interests in Lands which have by Mistake been omitted to be purchased shall not take effect for the Purposes of the Certificate except with the Consent of the Board of Trade, which Consent the Board of Trade may give, if they think fit, on being satisfied that the Promoters have acted in the Matter with good Faith, and thereupon that Part shall take effect for the Purposes of the Certificate, subject to such Conditions (if any) as the Board of Trade, on giving such Consent, think fit to impose.

Incorporation of Company.

In what Cases Company shall be incorporated.

18. Where the Promoters are not a Company incorporated by Special Act, or by previous Certificate under this Act, or otherwise, and are *Seven* or more in Number, a Company shall be incorporated by the Certificate, for the Purposes thereof.

In others Company may be incorporated.

19. Where the Promoters are not a Company incorporated by Special Act, or by previous Certificate under this Act, or otherwise, and are less than *Seven* in Number, a Company may be incorporated by the Certificate for the Purposes thereof, if the Promoters so desire.

Power for Board of Trade to incorporate Company by Certificate.

20. Where the Certificate incorporates a Company, it shall contain proper Provisions with apt Terms for creating a Body Corporate, by an appropriate Name, with perpetual Succession and a Common Seal, and with Power to take, hold, and dispose of Lands and other Property, for the Purposes and subject to the Restrictions of the Certificate, and may confer on the Company Power to borrow on Mortgage, and all other usual or proper Powers.

Incorporation of Companies Clauses Acts.

21. In every such Case, the Companies Clauses Acts shall be incorporated with the Certificate (which shall be deemed the Special Act) except as may be therein excepted, and except with respect to the Provision to be made for affording Access to the Special Act by all Parties interested.

Restrictions on Company as to borrowing, &c.

22. Every Company empowered by a Certificate, whether incorporated by Special Act or by Certificate, or otherwise, shall, except so far as may be expressly otherwise provided in some Special Act or Certificate, be subject to the following Restrictions, namely:—

(1.) They shall not borrow any Money until the whole of their nominal Capital authorized by the Certificate is subscribed for or taken, and until *One Half* thereof is actually paid up, and until they prove to a Justice of the Peace, or (in Scotland) a Sheriff, (and in the Case of a Company which is subject to the Companies Clauses Acts the same Justice who is to certify under Section 40. of The Companies Clauses Consolidation Act, 1845, or the same Sheriff who is to certify under Section 42. of The Companies Clauses Consolidation (Scotland) Act, 1845, as the Case may be, before he so certifies,) that the whole of the nominal Capital has been subscribed for or taken in good Faith, and is held by Subscribers or their Assigns, and that those Subscribers or their Assigns are legally liable for the same (of which Matters the Certificate of the Justice or Sheriff shall be sufficient Evidence):

(2.) They shall not borrow a larger Sum in the whole than *One Third* of the Amount of their nominal Capital authorized by the Certificate:

(3.) They shall not out of Money raised under the Certificate by Calls or borrowing pay Interest or Dividend to a Shareholder on the Amount of Calls made on his Shares, whether created under the Certificate or otherwise; (but this Provision shall not prevent them paying to a Shareholder under the Certificate such Interest on Money advanced by him beyond the Amount of Calls actually made, as is allowed by the Companies Clauses Acts):

(4.) They shall not out of Money so raised pay or deposit any Money that may be required to be paid or deposited in relation to any Application to Parliament or the Board of Trade:

(5.) They shall apply every Part of the Money so raised only for the Purposes for which it is by the Certificate authorized to be applied.

Contracts by Promoters binding on Company.

23. Contracts relative to the Purchase or taking of Lands for the Railway, entered into by the Promoters before the Incorporation of the Company by the Certificate, shall be as binding on the Company as if they had been entered into by the Company.

Construction of Railway.

Incorporation of Railways Clauses Acts in Certificate, except as to compulsory Powers, &c.

24. The Railways Clauses Acts shall be incorporated with the Certificate (which shall be deemed the Special Act), except as may be therein excepted, and except as to the following Provisions, namely,—

(1.) Such of the Provisions with respect to the Construction of the Railway and the Works connected therewith as relate to the Correction of Errors and Omissions in Plans or to Plans and Sections of Alterations:

(2.) With respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

(3.) With respect to leasing the Railway:

(4.) With respect to the Provision to be made for affording Access to the Special Act by all Parties interested:

and subject to the following Provisions, namely,—

(1.) Nothing herein shall confer Power for the taking or using of Lands for Deviation or for any other Purpose, otherwise than by Agreement:

(2.) Any Provision referring to the Datum Line described in the Section approved of by Parliament shall be read as referring to the Datum Line described in the Section approved of by the Board of Trade.

Restriction on Alterations of Plan or Section.

25. Where the Promoters, after depositing the required Plan and Section, desire to make any Alteration therein, they may do so with the Consent of the Board of Trade; but it shall be the Duty of the Board of Trade not to issue a Certificate without being satisfied that all Parties interested in Lands liable to be affected by or in consequence of the Alteration consent thereto.

Provision respecting Gauge.

26. Every Railway made under this Act in England or Scotland shall be made on the Gauge of Four Feet Eight Inches and Half an Inch, unless in any Case the Certificate prescribes the making of the Railway on the Gauge of Seven Feet or on both those Gauges.

Every Railway made under this Act in Ireland shall be made on the Gauge of Five Feet Three Inches.

Security for Completion of Railway.

Promoters to deposit Eight per Cent. on Estimate in Court of Chancery, &c.

27. Before the Board of Trade issue their Certificate, the Promoters, unless they are a previously existing Company possessed of a Railway open for public Traffic, shall pay as a Deposit a Sum of Money not less than *Eight per Centum* on the Amount of their Estimate of the Expense of the Construction of the Railway, as follows, namely:—

Where the Railway or any Part thereof will be situate in England,—into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery in England:

Where the Railway will be situate wholly in Scotland,—either into the Bank of England in manner aforesaid, or (at the Option of the Promoters) into a Bank in Scotland established by Act of Parliament or Royal Charter, in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in Scotland:

Where the Railway will be situate in Ireland,—into the Bank of Ireland, in the Name and with the Privity of the Accountant General of the Court of Chancery in Ireland.

Warrant of Board of Trade for Payment into Court.

28. The Board of Trade may issue their Warrant for such Payment into Court, which Warrant shall be a sufficient Authority for the Persons therein named, or the Majority or Survivors of them, to pay the Money therein mentioned into the Bank therein mentioned, in the Name and with the Privity of the Officer therein mentioned, and for that Officer to receive the same, to be placed to his Account there, ex parte the Railway therein mentioned, according to the Method (prescribed by Statute, or General Rules or Orders of Court, or otherwise,) for the Time being in force respecting the Payment of Money into the said Courts respectively, and without Fee or Reward.

Liberty for Promoters to bring in Exchequer Bills, &c.

29. Provided, that in lieu, wholly or in part, of the Payment of Money, the Promoters may bring into Court as a Deposit an equivalent Sum of Bank Annuities, or of any Stocks, Funds, or Securities on which Cash under the Control of the respective Court is for the Time being permitted to be invested, or of Exchequer Bills, the Value thereof being taken at the Price at which the Promoters originally purchased the same, as appearing by the Broker's Certificate of that Purchase; and in that Case the Board of Trade shall vary their Warrant accordingly.

Provision for Vacations in Offices of Courts.

30. At any Time when the Office of the Accountant General of the Court of Chancery in England or Ireland is closed, a Deposit under this Act may nevertheless be made, in such Manner as General Orders of the respective Courts authorize and direct.

Power for Court to direct Investment.

31. Where Money is so paid into the Court of Chancery in England or Ireland, the Court may, on the Application of the Persons named in the Warrant of the Board of Trade, or of the Majority or Survivors of them, order that the same be invested in such Stocks, Funds, or Securities as the Applicants desire and the Court thinks fit.

Interpretation of "Deposit Fund" and "Depositors" in following Provisions.

32. In the subsequent Provisions of this Act, the Term "the Deposit Fund" means the Money deposited, or the Stocks, Funds, or Securities in which the same is invested, or the Bank Annuities, Stocks, Funds, Securities, or Exchequer Bills deposited, as the Case may be; and the Term "the Depositors" means the Persons named in the Warrant of the Board of Trade authorizing the Deposit, or the Majority or Survivors of those Persons, their Executors, Administrators, or Assigns.

Repayment of Deposit where Certificate refused.

33. Where the Application for a Certificate fails, the Court in which the Deposit is made shall, on the Application of the Depositors, order the Deposit Fund to be paid, transferred, or delivered out to the Applicants, or as they direct.

Repayment of Deposit where Promoters not such a Company.

34. Where a Certificate is issued, the Court in which the Deposit is made shall, on the Application of the Depositors, order the Deposit Fund to be paid, transferred, or delivered out to the Applicants, or as they direct, in any of the following Events, namely,—

(1.) If, within the Time in the Certificate prescribed, and if none is prescribed, then within *Five Years* after the Commencement of the Operation of the Certificate, the Company, Body, or Persons thereby empowered to make the Railway complete it and open it for public Traffic; or

(2.) If, within the same Time, they (being a Company) prove to the Satisfaction of the Board of Trade that *One Half* of their nominal Capital authorized by the Certificate is paid up, and that they have expended a like Amount for the Purposes of the Certificate; or

(3.) If, at any Time after the issuing of the Certificate, they execute and deliver to the Solicitor of Her Majesty's Treasury a Bond with a Surety or Sureties (such Bond being prepared to the Satisfaction of, and such Surety or Sureties being approved by, the said Solicitor) in a penal Sum of Twice the Amount of the Money required to be deposited, conditioned to the Effect following, namely,—for Payment to Her Majesty, Her Heirs or Successors, of the Amount of the Money required to be deposited, if the Obligors do not, within the Time aforesaid, either complete the Railway and open it for public Traffic, or (being a Company) give such Proof as aforesaid respecting their Capital and Expenditure.

On like Failure in other Cases, Forfeiture of Deposit.

35. Where a Certificate is issued, and the Company, Body, or Persons empowered by the Certificate to make the Railway, do not, within the Time in the Certificate prescribed, and if none is prescribed, then within *Five Years* from the Commencement of the Operation of the Certificate, do one or other of the following Things, namely,—

(1.) complete the Railway and open it for public Traffic; or

(2.) give (being a Company) such Proof as herein-before mentioned respecting their Capital and Expenditure; or

(3.) execute and deliver such a Bond as is herein-before described,—

then and in every such Case the Deposit Fund shall, from and after the Expiration of the Time aforesaid, be forfeited to Her Majesty, and shall accordingly be paid, transferred, or delivered out to or for the Account of Her Majesty's Exchequer, in such Manner as the Court in which the Deposit is made thinks fit to order, on the Application of the Solicitor of Her Majesty's Treasury, on Notice to such Parties (if any) as the Court thinks fit; and the Deposit Fund, when so paid, transferred, or delivered, shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Application of Money recovered on Bond.

36. Where any such Bond as aforesaid is given, the Amount recovered thereon shall be paid to the Account of Her Majesty's Exchequer, and shall be carried to and form Part of the said Consolidated Fund.

Depositors to receive Dividends accruing while Fund in Court.

37. The Depositors shall be entitled to receive Payment of the Interest or Dividends from Time to Time accruing on the Deposit Fund while in Court; and the Court in which the Deposit is made may from Time to Time, on the Application of the Depositors, make such Order as may seem fit respecting the Payment of the Interest or Dividends accordingly.

Proof as to Capital and Expenditure, Execution of Bond, &c.

38. The Certificate of the Board of Trade that such Proof as aforesaid respecting the Capital and Expenditure of any Company has been given to the Satisfaction of the Board of Trade, or that the Application for a Certificate to authorize the Construction of a Railway has in any Case failed, and the Certificate of the Solicitor of Her Majesty's Treasury that such Bond as aforesaid has in any Case been prepared, executed, and delivered to his Satisfaction, shall respectively be sufficient Evidence of the Matters therein certified.

Protection to Board of Trade in case of Error, &c.

39. The issuing in any Case of any Warrant or Certificate relating to Deposit or to the Deposit Fund, or any Error in any such Warrant or Certificate or in relation thereto, shall not make the Board of Trade, or the Person signing the Warrant or Certificate on their Behalf, in any Manner liable for or in respect of the Deposit Fund, or the Interest of or Dividends on the same, or any Part thereof, respectively.

Mode of Application to Courts.

40. Any Application under this Act to the Court of Chancery in England or Ireland shall be made in a summary Way in such Manner as General Orders of those Courts respectively direct.

Power for Court to make General Orders.

41. The Lord Chancellor of Great Britain with the Advice and Assistance of the Lords Justices of the Court of Appeal in Chancery and the Master of the Rolls and the Vice-Chancellors, or any Two of those Judges, and the Lord Chancellor of Ireland with the Advice and Assistance of the Lord Justice of the Court of Appeal in Chancery in Ireland and of the Master of the Rolls in Ireland, may respectively from Time to Time make such General Orders as may seem fit for the Regulation of the Practice under this Act of the Court of Chancery in England and Ireland respectively, and may respectively from Time to Time amend or revoke any such Orders.

Penalty on Company failing to open new Railway in certain Cases.

42. Where a Certificate is obtained by a previously existing Company possessed of a Railway open for public Traffic, then, if the Company fail to complete the Railway and open it for public Traffic within the Time in the Certificate prescribed, and if none is prescribed, then within *Five Years* from the Commencement of the Operation of the Certificate, the Company shall be liable to a Penalty of not less than

Twenty Pounds and not exceeding *Fifty Pounds* for every Day during which such Failure continues, except only in respect of any Time during which it appears from a Certificate of the Board of Trade that the Company were prevented from completing the Railway or opening it for public Traffic by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be deemed a Circumstance beyond their Control within the Meaning of this Provision.

Tolls and Charges for Use of Railway.

Tolls, &c. in Schedule C.

43. The Proprietors of the Railway may demand and take, in respect of the Railway, Tolls and Charges not exceeding the Sums specified in Schedule C. to this Act, subject and according to the Regulations specified in that Schedule.

Power for Board of Trade to vary Tolls, &c.

44. The Board of Trade may nevertheless by the Certificate vary the Tolls and Charges and Regulations specified in the last-mentioned Schedule, or any of them, if in any Case it seems to them necessary or proper under the Circumstances to do so.

Application of General Railway Acts.

Enactments in Schedule D. applied to the Railway and Company, subject to Variations.

45. The Enactments described in Schedule D. to this Act, and any Enactments amending, perpetuating, or otherwise affecting any of them, so far as the same are in force at the passing of this Act, shall extend and apply, as the Case may require, to the Railway, and to the Company, Body, or Persons empowered by the Certificate to make the Railway, and shall in all respects operate in relation thereto respectively as if they were expressly repeated and re-enacted in this Act, subject, nevertheless, and according to the following Variations and Provisions, namely,—

(1.) For the Purposes and within the Meaning of any of those Enactments, the Railway shall be deemed to be a Railway made and constructed and carried on under the Authority of Parliament and under the Powers and Provisions of an Act of Parliament, and the Certificate (taken in conjunction with this Act) shall be deemed to be a Special Act of Parliament regulating or relating to the Railway, or the Company, Body, or Persons empowered to make the same (as the Case may require):

(2.) Such of those Enactments as refer to the Time of the passing of an Act of Parliament for the Construction of a Railway, or to the last Day of the Session in which such an Act is passed, shall respectively be read and have effect as referring to the Time of the Commencement of the Operation of the Certificate:

(3.) The Terms "Company" and "Railway Company" used in any of those Enactments shall respectively include any Body or Persons empowered by the Certificate to make the Railway:

(4.) Such of those Enactments as refer to the Directors, or any Director, or the Secretary, Chief or other Clerk, Accountant, Treasurer, or other Officer of a Company, shall extend and apply to every or any Member of the Body (not being a Body Corporate), or to every or any One of the Persons (not being a Company), empowered by the Certificate to make the Railway (as the Case may be):

(5.) Such of those Enactments as refer to a Writing under the Common Seal of the Company shall be read and have effect as referring to a Writing under the Common Seal of any such Body as aforesaid (being a Body Corporate), or under the Hand and Seal of any One of the Members of such Body (not being a Body Corporate), or of any One of such Persons, as aforesaid;

(6.) Such of those Enactments as impose any Penalty or Forfeiture, or any pecuniary Liability or any Obligation, on a Company, or give any Right, Remedy, or Process against a Company, shall be read and have effect (so far as the Nature and Circumstances of the Case admit) as imposing a like Penalty, Forfeiture, Liability, or Obligation on, or as giving a like Right, Remedy, or Process against, every or any Member of such Body, or every or any One of such Persons, as aforesaid (as the Case may be), but not so as to authorize the Recovery of any Penalty or Forfeiture from, or the Enforcement of any pecuniary Liability against, more than One of such Members or Persons as aforesaid in respect of the same Offence, Matter, or Thing:

(7.) The Amount of any Compensation to be made to the Owners and Occupiers of any Lands for Loss or Injury or Inconvenience sustained by them respectively by reason of any Works done under the Authority of any of those Enactments shall, in case of Dispute, be settled in manner directed by the Lands Clauses Acts and the Railways Clauses Acts as respectively applicable to the Case:

(8.) Such of those Enactments as provide for the Case of the Board of Trade certifying that the Public Safety requires additional Land to be taken by a Company for the Purpose of giving increased Width to the Embankments or Inclination to the Slopes of the Railway, or for making Approaches to Bridges or Archways, or for doing Works for the Repair or Prevention of Accidents or Slips happening or apprehended to the Cuttings, Embankments, or other Works of the Railway, shall be read and have effect, as regards such Portions of Land as are mentioned in any Certificate so given by the Board of Trade, as if compulsory Powers of purchasing and taking Lands had been contained in the Certificate under this Act authorizing the making of the Railway, and the Provisions of the Lands Clauses Acts and the Railways Clauses Acts relative to the compulsory Purchase or taking of Land had been incorporated with that Certificate:

(9.) If the Railway is in any respect constructed contrary to the Provisions of the Certificate, or of this Act, it shall be deemed to be constructed contrary to the Provisions of any of those Enactments applicable in the Case:

(10.) Nothing herein shall extend or make applicable, for the Purposes of this Act, to or in any one of the Parts of the United Kingdom, any of those Enactments not in force there independently of this Act.

Miscellaneous.

Board of Trade may reject the Application.

46. Nothing in this Act shall make it obligatory on the Board of Trade to issue a Certificate in any Case if it appears to the Board of Trade for any Reason that it would not be for the public Advantage that the Application of the Promoters should be complied with.

Saving for General Acts, or Revision of Charges.

47. Nothing in the Certificate shall exempt the Railway, or the Company, Body, or Persons to whom it belongs, from the Provisions of any General Act of Parliament relating to Railways, or to the better Audit of the Accounts of Railway Companies, passed before the issuing of the Certificate, except a Provision in the Certificate expressly referring to the General Act, and expressly containing such Exemption; and nothing in the Certificate shall exempt the Railway, or the Company, Body, or Persons to whom it belongs, from the Provisions of any such General Act to be passed after the issuing of the Certificate, or from any Revision and Alteration, under the Authority of Parliament, of the maximum Tolls and Charges allowed to be taken under the Certificate.

New Works in connexion with Railway.

48. All the Provisions of this Act which relate to the making of a Railway shall extend and apply, mutatis mutandis, to the making or executing of any Work connected with or for the Purposes of a Railway (as distinguished from the Construction of a Railway), subject to this

Modification,—that where the proposed Work will not interfere with any Public or Turnpike Road, or other Public Work or Property, and the Promoters have contracted for the Purchase, or are the Owners, or have the Use or Disposition, of the Lands required for the Work, the Board of Trade may, if they think fit, by a preliminary Order dispense wholly or in part with the Publication of Notices and the Deposit of Maps, Plans, Sections, and Books of Reference, and the Payment of Money into Court.

Power to authorize joint Work.

49. Subject and according to the Provisions of this Act, the Board of Trade may, on a joint Application or on Two or more separate Applications, issue a Certificate empowering Two or more Companies, Bodies, or Persons, respectively, to jointly make or execute the whole, or to separately make or execute Parts, of a Work connected with or for the Purposes of a Railway, and to jointly or separately use the whole or Parts thereof; and all the Provisions of this Act which relate to the making of a Railway, or the making or executing of a Work, shall extend and apply to the making or executing of the whole and the separate Parts of such Work as last aforesaid: and the Form of the Certificate may be adapted to the Circumstances of the Case.

Power for Promoters, being a Company, to raise additional Capital.

50. Where the Certificate is obtained by a previously existing Company incorporated by Special Act or by Certificate, the Certificate may authorize the Company to raise, as Capital, for the Purposes of the Certificate, such additional Sum of Money as therein limited, by the Issue of new Shares or new Stock, either Ordinary or Preference, or partly Ordinary and partly Preference, or partly in that Mode and partly by borrowing on Mortgage, at the Option of the Company, or as may be prescribed in the Certificate, and with Power to create and issue Debenture Stock.

In every such Case the Companies Clauses Acts shall be incorporated with the Certificate, except as may be therein excepted, and except with respect to the Provision to be made for affording Access to the Special Act by all Parties interested.

In every such Case the Restrictions by this Act imposed on a Company when originally incorporated by Certificate, with respect to the Exercise of their Borrowing Power and to the Application of Money raised under the Certificate by Calls or borrowing, shall extend and apply to such previously existing Company in respect of such additional Capital, except so far as may be expressly otherwise provided in some Special Act or Certificate.

Where Promoters are a Company,

51. Where the Certificate is obtained by a previously existing Company incorporated by Special Act or by Certificate, it shall be the Duty of the Board of Trade not to issue the Certificate without being satisfied that the Members of the Company have approved of the Application to the Board of Trade, in like Manner as, under the Standing Orders of either House of Parliament for the Time being in force, their Approval of a Railway Bill would be required to be given in the same Case.

Approval of Application by a Meeting.

52. It shall be the Duty of the Board of Trade not to issue a Certificate containing any Provision that would take away or abridge any Right, Privilege, Power, Jurisdiction, or Authority given or reserved to any Company, Body, or Person, by any Local or Special Act, without the Consent in Writing of that Company, Body, or Person.

Protection of Interests under Special Acts.

53. Subject and according to the Restrictions and Provisions of this Act, the Board of Trade may from Time to Time, on the Application of any Company, Body, or Persons empowered by a Certificate, amend, extend, revoke, or vary by Certificate the previous Certificate, or any Part thereof.

Power for Board of Trade to amend Certificate.

54. If in any Case it is made to appear to the Board of Trade that any Error has been committed in a Certificate or in relation thereto, the Board of Trade may, subject and according to the Restrictions and Provisions of this Act, on the Application of any Company, Body, or Person affected by the Error, and on Notice to the Company, Body, or Persons empowered by the Certificate, correct the Error by Certificate.

Power to correct Error.

55. Where Application is made to the Board of Trade for a Certificate to amend, extend, revoke, or vary a previous Certificate, or to correct an Error, they may, if they think fit, by a preliminary Order dispense wholly or in part with the Publication of Notices, and the Deposit of Maps, Plans, Sections, and Books of Reference; and the Payment of Money into Court shall not be required.

Dispensation with Requirements in case of Amendment, &c.

56. A Copy of the London, Edinburgh, or Dublin Gazette containing a Certificate, or a Copy of a Certificate purporting to be printed by the Printers of the London, Edinburgh, or Dublin Gazette, shall be conclusive Evidence of the Certificate, and of the due Publication thereof, without any Proof of the Gazette, or without any Proof of the Copy having been in fact so printed, as the Case may be.

Proof of Certificate.

57. The Company, Body, or Persons empowered by a Certificate shall at all Times keep at their Head Office Copies of the Certificate printed by the Printers of the Gazette or One of the Gazettes in which

Copies of Certificate for Sale.

which the same was published, in such Form as General Rules direct, to be sold to all Persons desiring to buy the same, at a Price not exceeding *One Shilling* for each Copy.

If any Company, Body, or Persons fail to comply with this Provision they shall be liable to a Penalty not exceeding *Twenty Pounds*, and to a further Penalty not exceeding *Five Pounds* for every Day during which such Failure continues after the First Penalty is incurred.

Recovery and Application of Penalties.

58. Penalties under this Act or under a Certificate, the Recovery and Application whereof are not otherwise provided for, shall be recovered and applied as Penalties under The Railways Clauses Consolidation Act, 1845, and The Railways Clauses Consolidation (Scotland) Act, 1845, as the Case may require, are recoverable and applicable.

Custody of Documents. 7 Will. 4. & 1 Vict. c. 83.

59. The Act of the Session of the Seventh Year of King William the Fourth and the First Year of Her Majesty, (Chapter Eighty-three,) " to compel Clerks of the Peace and other Persons to take the " Custody of such Documents as shall be directed to be deposited " with them under the Standing Orders of either House of Par-" liament," shall apply to Documents required to be deposited by General Rules under this Act.

General Rules.

60. The Board of Trade shall from Time to Time make such General Rules as may seem fit for the better Execution of this Act, and may from Time to Time alter or revoke any such Rules.

Publication of Rules.

61. All such Rules shall be published in the London, Edinburgh, and Dublin Gazettes, and be laid before both Houses of Parliament.

Annual Report to Parliament by Board of Trade.

62. Not later than the Month of *June* in each Year the Board of Trade shall lay before both Houses of Parliament a Report respecting the Applications to and Proceedings of the Board of Trade under this Act during the Year then last past.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Form of Declaration respecting Contracts by Promoters for Purchase of Land.

In the matter of
The Construction of Railways Facilities Act, 1864,
and
The Railway.

I *A.B.* of in the County of Gentleman, solemnly declare as follows:

1. I am acting in this Matter as Solicitor for the Promoters.

2. To the best of my Knowledge and Belief, the Promoters have contracted for the Purchase or taking of all the Lands required for the intended Railway and the Works connected therewith.

(Signed) *A.B.*

Declared at the Day of
before me, *L. M.*,
Justice of the Peace for

SCHEDULE B.

Form of Certificate of Board of Trade.

The Railway.

Certificate of the Board of Trade for the Construction of the Railway.

Whereas the Promoters of the Railway have contracted for the Purchase of the Lands required for the Railway and the Works connected therewith, and have complied with the Requirements of the General Rules of the Board of Trade under The Construction of Railways Facilities Act, 1864:

Now, therefore, the Board of Trade do, by this their Certificate, in pursuance of the said Act, and by virtue and in exercise of the Powers thereby in them vested, and of every other Power enabling them in this Behalf, certify as follows:

[*Here are to follow the Provisions of the Certificate shewing the Powers conferred and the Terms and Conditions (if any) imposed.*]

The Board of Trade, (Signed) *C.D.*
Whitehall. Secretary to the Board of Trade.
Dated this Day of .

SCHEDULE C.

TABLE I.

Maximum Charges for Use of Railway and Supply of Carriages, Waggons, or Trucks.

	For Use of Railway, per Mile.	For Supply of Carriage, Waggon, or Truck by the Proprietors of the Railway, the additional Sum per Mile of
Passengers :—		
For every Person - - - - -	*Twopence.*	*One Penny.*
Animals :—		
For every Horse, Ass, Mule, or other Beast of Draught or Burden (Class 1.) - - -	*Threepence.*	*One Penny.*
For every Ox, Cow, Bull, or Head of Neat Cattle (Class 2.) - - - - -	*Twopence.*	*One Penny.*
For every Calf, Pig, Sheep, Lamb, and other small Animal (Class 3.) - - - -	*Three Farthings.*	*One Farthing.*
Goods (except as provided for in Table IV.) :—		
For Cotton and other Wools, Manufactured Goods, Drugs, Fish, and all other Wares, Merchandise, Articles, Matters, or Things not enumerated in any other Class (Class 4.) - - per Ton	*Threepence.*	*One Penny.*
For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils, Vices, Chains, and Light Iron Castings (Class 5.) - - per Ton	*Twopence Halfpenny.*	*One Penny.*
For Coke, Charcoal, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Wrought Iron, Heavy Iron Castings, Railway Chains, Slabs, Billets, and Rolled Iron, Lime, Bricks, Tiles, Slates, Salt, Fireclay and Stone, (Class 6.) per Ton	*Three Halfpence.*	*One Penny.*
For Dung, Compost, Manure, undressed Material for Repair of Public Roads or Highways, Coals, Culm, Cinders, Cannel, Ironstone, Iron Ore, Limestone, Clay (except Fireclay) Chalk, Sand, and Slag, (Class 7.) - - - per Ton	*Five Farthings.*	*One Halfpenny.*
For every Carriage of whatever Description conveyed on a Truck or Platform belonging to the Proprietors of the Railway (Class 8.):		
If not weighing more than *One Ton* -	*Sixpence.*	
If weighing more than *One Ton*, then for the first *Ton* - - - - -	*Sixpence.*	
And for every additional *Quarter of a Ton*, or fractional Part of a *Quarter of a Ton*, above the first *Ton* - - - -	*Three Halfpence.*	

TABLE II.

Maximum Charges for Supply of Locomotive Power.

For the Use of Engines for propelling Carriages on the Railway, for every Passenger, Animal, and Ton of Goods - per Mile *One Penny.*

TABLE

TABLE III.

Maximum total Charges for Use of Railway and Supply of Carriages, Waggons or Trucks, and Supply of Locomotive Power, and every other Expense incidental to Conveyance of Passengers, Animals, or Goods along the Railway.

	Per Mile.
Passengers:—	
For every Person conveyed in a First-class Carriage -	*Threepence.*
,, ,, Second-class ,, -	*Twopence.*
,, ,, Third-class ,, -	*Five Farthings.*
Animals:—	
For every Animal in Class 1. - - - -	*Fourpence.*
,, Class 2. - - - -	*Threepence.*
,, Class 3. - - - -	*Three Halfpence.*
Goods:—	
For every Thing in Class 4. - - per Ton	*Fourpence.*
,, Class 5. - - per Ton	*Threepence.*
,, Class 6. - - per Ton	*Twopence.*
,, Class 7. - - per Ton	*Three Halfpence.*
For every Carriage in Class 8. - - - -	*The Charge specified in Table I.*

TABLE IV.

Maximum Charges for Small Packages and Single Articles of Great Weight.

Small Packages:—	
For every Parcel not exceeding *Seven* Pounds in Weight	*Sixpence.*
,, exceeding *Seven* Pounds, but not exceeding *Fourteen* Pounds, in Weight -	*Eightpence.*
,, exceeding *Fourteen* Pounds, but not exceeding *Twenty-eight* Pounds, in Weight	*One Shilling.*
,, exceeding *Twenty-eight* Pounds, but not exceeding *Fifty-six* Pounds, in Weight	*One Shilling and Threepence.*
,, exceeding *Fifty-six* Pounds, but not exceeding *Five hundred* Pounds, in Weight, for the first *Fifty-six* Pounds -	*One Shilling.*
And for every additional *Fifty-six* Pounds, or fractional Part of *Fifty-six* Pounds, above the first *Fifty-six* Pounds - - -	*Sixpence.*

Single Articles of Great Weight:—

For every Boiler, Cylinder or Single Piece of Machinery, Timber or Stone, or other Single Article:

If weighing (inclusive of the Carriage) more than *Four* but not more than *Eight* Tons, *Sixpence* per Ton per Mile.

If weighing (inclusive of the Carriage) more than *Eight* Tons, such Sum as the Proprietors of the Railway think fit.

REGULATIONS.

Short Distance Charge.

1. For Passengers, Animals, or Goods conveyed on the Railway for a Distance less than that prescribed in the Certificate as the Short Distance, and if none is prescribed then for a Distance less than Six Miles, Charges are to be payable as for the Short Distance prescribed, and if none is prescribed then as for Six Miles.

Fraction of Mile; Passengers.

2. In respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles is to be deemed a Mile.

Fraction of Mile; Animals and Goods.

3. In respect of Animals and Goods, for a Fraction of a Mile beyond the Short Distance prescribed, or if none is prescribed then beyond Six Miles, or beyond any greater Number of Miles, Charges are to be payable in proportion to the Number of Quarters of a Mile contained in that Fraction; and a Fraction of a Quarter of a Mile is to be deemed a Quarter of a Mile.

Fraction of Ton.

4. For a Fraction of a Ton Charges are to be payable according to the Number of Quarters of a Ton in that Fraction; and a Fraction of a Quarter of a Ton is to be deemed a Quarter of a Ton.

Passengers Luggage.

5. Every Passenger travelling on the Railway may, without Charge, cause to be carried in the same Train with him his ordinary Luggage, not exceeding the Weight prescribed in the Certificate, and if none is prescribed then not exceeding the Weight of One hundred and twenty Pounds for a First-class Passenger, One hundred Pounds for a Second-class Passenger, and Sixty Pounds for a Third-class Passenger.

Special Trains.

6. The Restriction as to Charges for Passengers does not extend to Special Trains when required by Passengers, but applies only to the Ordinary or Express Passenger or Goods Trains appointed by the Proprietors of the Railway.

Determination of Weight.

7. Except as to Stone and Timber, Weight is to be determined according to Avoirdupois Weight.

Fourteen Cubic Feet of Stone, and Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, are to be deemed One Ton, and so in proportion for any smaller Quantity.

Terminal Station Charges.

8. In addition to the Charges in Table III., a reasonable Charge is to be payable for the loading, covering, and unloading of Goods at any Station, being a Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier, where such Services, or any of them, are or is performed by the Proprietors of the Railway.

A Station is not to be considered a Terminal Station in respect of Goods, unless they are received there direct from the Consignor, or are directed to be delivered there to the Consignee.

Small Packages.

9. The Term Small Packages does not include Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like; but applies only to single Parcels in separate Packages.

Agreement for higher Charges.

10. Nothing herein or in the Certificate contained is to prevent the Proprietors of the Railway from taking any Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or any Persons in charge of such Goods, either in respect of the Conveyance thereof (except Small Packages) by Passenger Trains, or by reason of any other special Service performed by the Proprietors of the Railway in relation thereto.

SCHEDULE D.

Enactments in General Acts relating to Railways applied to Railways under this Act.

Session and Chapter, and Section (if any).	Title or Short Title of Act.
1 & 2 Vict. c. 80.	An Act for the Payment of Constables for keeping the Peace near Public Works.
1 & 2 Vict. c. 98.	An Act to provide for the Conveyance of the Mails by Railways.
2 & 3 Vict. c. 45.	An Act to amend an Act of the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth relating to Highways.
3 & 4 Vict. c. 97.	An Act for regulating Railways.
5 & 6 Vict. c. 55.	An Act for the better Regulation of Railways, and for the Conveyance of Troops.
5 & 6 Vict. c. 79. ss. 2 to 7 (both inclusive), and ss. 24, 25, 26.	An Act to repeal the Duties payable on Stage Carriages, and on Passengers conveyed upon Railways, and certain other Stamp Duties in Great Britain, and to grant other Duties in lieu thereof; and also to amend the Laws relating to Stamp Duties.
7 & 8 Vict. c. 85.	An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes relating to Railways.
8 & 9 Vict. c. 3.	An Act for the Appointment of Constables or other Officers for keeping the Peace near Public Works in Scotland.
8 & 9 Vict. c. 46.	An Act for the Appointment of additional Constables for keeping the Peace near Public Works in Ireland.
9 & 10 Vict. c. 57. ss. 4, 6, 7, 8.	An Act for regulating the Gauge of Railways.
10 & 11 Vict. c. 85. s. 16.	An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.
14 & 15 Vict. c. 64.	An Act to repeal the Act for constituting Commissioners of Railways.
17 & 18 Vict. c. 31.	The Railway and Canal Traffic Act, 1854.
18 & 19 Vict. c. 122. s. 6.	An Act to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.
20 & 21 Vict. c. 31. s. 4.	An Act to amend and explain the Inclosure Acts.
21 & 22 Vict. c. 75.	An Act to amend the Laws relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies, being also Railway Companies.
22 & 23 Vict. c. 59.	Railway Companies Arbitration Act, 1859.
26 & 27 Vict. c. 33. ss. 13, 14.	An Act for granting to Her Majesty certain Duties of Inland Revenue, and to amend the Laws relating to the Inland Revenue.
26 & 27 Vict. c. 112. s. 32.	The Telegraph Act, 1863.

Facilities.

A

BILL

To facilitate in certain Cases the obtaining of Powers for the Construction of Railways.

(*Prepared and brought in by*
Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,*
22 *February* 1864.

[Bill 29.]

Under 4 *oz.*

Railways Construction Facilities Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

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Preamble.

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2. Interpretation of Terms.

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4. Contracts for Sale of Lands belonging to Crown or Duchy of Lancaster or Cornwall.
5. User of or Interference with Public or Turnpike Roads.

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9. Clause A.—On Railway or Canal Company giving Notice of Opposition, Proceedings before Board of Trade to cease.
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11. Power for Board of Trade to settle Certificate.
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33. Promoters to deposit Eight per Cent. on Estimate in Court of Chancery, &c.
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35. Liberty for Promoters to bring in Exchequer Bills, &c.
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39. Repayment of Deposit on Completion of Railway or on Terms.
40. Forfeiture of Deposit on Non-completion of Railway, &c.
41. Application of Money recovered on Bond.
42. Depositors to receive Dividends accruing while Fund in Court.
43. Proof as to Capital and Expenditure, Execution of Bond, &c.

44. Protection to Board of Trade in case of Error, &c.
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47. Penalty on Company failing to open new Railway in certain Cases.

Tolls and Charges for Use of Railway.

48. Tolls, &c. in Schedule.
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Application of General Railway Acts.

50. Enactments in Schedule applied to the Railway and Company, subject to Variations.

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51. Board of Trade may reject the Application.
52. Saving for General Acts, or Revision of Charges.
53. New Works in connexion with Railway.
54. Power to authorize joint Work.
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59. Dispensation with Requirements in case of Amendment, &c.
60. Proof of Certificate.
61. Copies of Certificate for Sale.
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64. Clause G.—General Rules in Schedule, with Power for Amendment.
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(i.) *Form of Declaration respecting Contracts by Promoters for Purchase of Land.*
(ii.) *Notice of Opposition.*
(iii.) *Form of Certificate of Board of Trade.*
(iv.) *Tolls and Charges.*
(v.) *Enactments in General Acts relating to Railways applied to Railways under this Act.*
(vi.) *General Rules.*

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Facilitate in certain Cases the obtaining of Powers for the Construction of Railways.

WHEREAS it is expedient to facilitate the making of Branch and other short Lines of Railway, and also the Execution of new Works connected with or for the Purposes of existing Lines: Preamble.

And whereas the object aforesaid would be promoted if, where all Landowners and other Parties beneficially interested are consenting to the making of a Railway or the Execution of a Work, the Persons desirous of making or executing the same were enabled to obtain Power to do so, on complying with the Conditions of a General Act of Parliament, without being obliged to procure a Special Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Railways Construction Facilities Act, 1864. Short Title.

Interpretation of Terms.

2. In this Act—

The Term "Lands" includes any Estate, Right, or Interest in Lands:

The Term "the Promoters" means in each Case the Company, Body, or Persons intending to apply to the Board of Trade for such a Certificate as is herein-after provided for, and, after the Application is made, the Company, Body, or Persons actually making the Application, as the Case may require:

The Term "the Railway" means in each Case the Railway and Works intended by the Promoters before the issuing of the Certificate, and, after the issuing thereof, the Railway and Works therein comprised, as the Case may require:

The Term "the Lands Clauses Acts" means, so far as the Enactment in which that Term is used relates to England, or to a Certificate to be operative in England, The Lands Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, or to a Certificate to be operative in Scotland, The Lands Clauses Consolidation (Scotland) Act, 1845; together with, in each Case, The Lands Clauses Consolidation Acts Amendment Act, 1860; and so far as the same relates to Ireland, or to a Certificate to be operative in Ireland, The Railways Act (Ireland) 1851, together with Acts incorporated in or amending that Act:

The Term "the Companies Clauses Acts" means, so far as the Enactment in which that Term is used relates to England or Ireland, or to a Certificate to be operative in England or Ireland, The Companies Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, or to a Certificate to be operative in Scotland, The Companies Clauses Consolidation (Scotland) Act, 1845; together with, in each Case, The Companies Clauses Act, 1863:

The Term "the Railways Clauses Acts" means, so far as the Enactment in which that Term is used relates to England or Ireland, or to a Certificate to be operative in England or Ireland, The Railways Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, or to a Certificate to be operative in Scotland, The Railways Clauses Consolidation (Scotland) Act, 1845; together with, in each Case, The Railways Clauses Act, 1863:

The Term "Railway Bill" means a Bill pending in or intended to be introduced into either House of Parliament, having for its Object or one of its Objects to authorize the making of a Railway:

The Term "Railway Company" means a Company or Body or Persons being Owners or Lessees of or Contractors working a Railway:

The Term "Canal Company" means a Company or Body or Persons being the Owners or Lessees of or Contractors working a Canal or Navigation used for public Traffic:

The Term "the Board of Trade" means the Lords of the Committee for the Time being of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations.

Contracts for Lands.

Power for Promoters of Railway and all Persons interested in Land to enter into Provisional Contracts for Land required.

3. Where Promoters of a Railway intend to apply, under this Act, for Authority to make the Railway, they and all Parties seised or possessed of or entitled to Lands required for the Railway shall, in order to the Purchase or taking and Sale of those Lands for the Railway, have all such Powers and Capacities as, in order to the Purchase or taking and Sale of Lands required for an Undertaking authorized by a Special Act of Parliament, are conferred by the Lands Clauses Acts on the Promoters of the Undertaking so authorized and on Parties seised or possessed of or entitled to Lands, or any Estate, Right, or Interest in Lands, required for that Undertaking; all which Powers and Capacities shall be enjoyed and may be exercised by the Promoters, and by all such Parties as aforesaid, as fully and effectually in all respects as if the Promoters had obtained a Special Act incorporating the Lands Clauses Acts and authorizing them to make the Railway and to purchase or take the Lands required for the same; subject, nevertheless, to the following Restrictions and Provisions, namely:—

(1.) Nothing herein shall confer on the Promoters and Parties aforesaid any of the Powers or Capacities conferred by the Part of the Lands Clauses Acts with respect to the Purchase and taking of Lands otherwise than by Agreement, or by the Part of those Acts with respect to the Entry upon Lands by the Promoters of the Undertaking, or by such Provisions of those Acts as provide for the Determination or Ascertainment of the Amount of any Purchase or Compensation Money, or the Settlement of any Apportionment or other Matter, otherwise than by Agreement, (except only as to such of those Provisions as provide for the Determination of the Amount of Compensation to be paid for Enfranchisement of Copyholds; and for the Purposes of the present Section, Section 96 of The Lands Clauses Consolidation Act, 1845, relating to the Enfranchisement of Copyholds, shall be read and have effect as if the Limitation of Time therein contained were omitted therefrom):

(2.) Any Party under Disability or Incapacity, and not having Power to sell and convey or release any Lands, except under the Lands Clauses Acts, as applied by the present Section, shall have Capacity only to contract with the Promoters for the Sale of those Lands, and shall not (before such a Certificate of the Board of Trade, as is herein-after provided for, comes into operation) have Capacity, further or otherwise than if this Act had not been passed, to carry the Contract into execution, or in pursuance thereof to convey or deliver Possession of or release those Lands:

(3.) The Promoters (before such a Certificate as aforesaid comes into operation) shall be empowered by this Act only to contract for Lands, and they shall not have Capacity, further or otherwise than if this Act had not been passed, to take or hold Lands.

Contracts for Sale of Lands belonging to Crown or Duchy of Lancaster or Cornwall.

4. Where Lands required for the Railway belong to or are enjoyed by Her Majesty the Queen, Her Heirs or Successors, in right of the Crown, or form Part of the Possessions of the Duchy of Lancaster or of the Duchy of Cornwall, any Contract for the Purposes of this Act may be entered into in respect of those Lands, as follows, namely:

In the first-mentioned Case, by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, with the Consent of the Commissioners of Her Majesty's Treasury;

In the secondly-mentioned Case, by the Chancellor of the Duchy by Writing under his Hand attested by the Clerk of the Council of the Duchy;

In the thirdly-mentioned Case, by the Duke of Cornwall or other the Persons for the Time being empowered to dispose for any Purpose of Lands of the Duchy.

User of or Interference with Public or Turnpike Roads.

5. The User, either temporary or permanent, for the Construction of the Railway or for any Purpose connected with the Railway, of the Surface or Soil of a Public or Turnpike Road, or the Diversion of or other Interference with such a Road, the User, Diversion, or Interference being authorized by such a Certificate of the Board of Trade as is herein-after provided for, shall not be deemed a taking or using of Lands within the Meaning of this Act, or of the Certificate, or of any Act incorporated therewith; but, except in case of Diversion of a Road, the Company, Body, or Persons empowered by the Certificate shall not be deemed to acquire by virtue of the Certificate any Right other than that of User only in the Surface or Soil of any such Road.

Application for Certificate.

After Land contracted for, Power for Promoters to apply for

6. When the Promoters have contracted for the Purchase of all the Lands required for the Railway, and are desirous of obtaining a Certificate under this Act, they shall proceed as follows, namely:

(1.) They shall apply to the Board of Trade for a Certificate under this Act:

(2.) They

Certificate, publish Notices, &c.

(2.) They shall deposit Maps, Plans, Sections, and Books of Reference, and an Estimate of the Expense of the Construction of the Railway, and lodge a Draft of the Certificate as proposed by them, according to the General Rules under this Act:

(3.) They shall publish Notice of the Application according to such General Rules.

Consideration of Application by Board of Trade.

7. As soon as conveniently may be after the Time for Completion of the required Deposit and Notice the Board of Trade shall proceed to inquire whether the Promoters have contracted for the Purchase of all the Lands required for the Railway, and have complied with the Requirements of the General Rules respecting Deposit and Notice.

Declaration in Schedule, Evidence.

8. A Declaration made before a Justice of the Peace by the Solicitor for the Promoters, to the Effect and in the Form of the Declaration set forth in the Schedule to this Act (with such Variations as Circumstances require), shall be admitted by the Board of Trade as Evidence of the Matters therein declared to.

Opposition to proposed Undertaking.

CLAUSE A. On Railway or Canal Company giving Notice of Opposition, Proceedings before Board of Trade to cease.

9. If in any Case any Railway or Canal Company desire to be heard by Counsel, Agents, and Witnesses against the proposed Undertaking, and (within such Time as is prescribed by General Rules under this Act) lodge at the Office of the Board of Trade a Notice in Writing to that Effect (herein-after referred to as a Notice of Opposition) in the Form set forth in the Schedule to this Act (with such Variations as Circumstances require), in that Case the Board of Trade shall not proceed on the Application of the Promoters.

CLAUSE B. Further Proceedings to be in Parliament.

10. Where a Notice of Opposition is lodged, the Board of Trade shall, not later in any Year than the First Day of March if Parliament is then sitting, and if not, then within Seven Days after the next Meeting of Parliament, lay before both Houses of Parliament a Copy of the Draft Certificate lodged by the Promoters and of the Notice of Opposition; and thereupon the Promoters shall be at liberty to seek by way of Bill in the same Session, in such Manner and on such Conditions as the Houses of Parliament respectively by Standing Order or otherwise from Time to Time direct, such Powers as were sought by them by way of Certificate.

Settlement of Draft Certificate.

Power for Board of Trade to

11. Where a Notice of Opposition is not lodged, then, on the Board of Trade being satisfied that the Promoters have contracted for the settle Certificate.

Purchase of all the Lands required for the Railway, and have complied with the Requirements of the General Rules respecting Deposit and Notice, the Board of Trade may settle a Draft of a Certificate certifying to the Effect that the Company, Body, or Persons therein specified are authorized to make the Railway therein described.

Conditions in Certificate.

12. The Board of Trade may insert in the Draft Certificate such Restrictions and Provisions, and such Terms and Conditions, as they, according to the Circumstances of the Case, deem necessary or proper for better effectuating the Purposes of the Certificate in conformity with the Objects and Provisions of this Act; and the same shall be deemed to all Intents Part of the Certificate.

Form of Certificate.

13. The Certificate may be in the Form set forth in the Schedule to this Act, with such Variations as Circumstances require.

Submission of Draft Certificate to Houses of Parliament.

Clause C.
Draft to be laid before Houses of Parliament.

14. The Board of Trade shall lay the Draft Certificate settled by them before both Houses of Parliament, within Seven Days after the same is settled, if Parliament is then sitting, or if not, then within Seven Days after the next Meeting of Parliament, but not later in any Year than the First Day of June, unless either House of Parliament thinks fit in any Year to extend that Period beyond the First Day of June.

Clause D.
Notice thereof to be given.

15. On the Draft Certificate being settled the Promoters shall give Notice thereof according to General Rules under this Act.

Clause E.
Power for either House to veto Certificate.

16. If either House of Parliament within Six Weeks after the Draft of a Certificate settled by the Board of Trade is laid before that House, or within such extended Period as either House thinks fit in any Case to appoint, resolves that the Certificate ought not to be made, the same shall not be further proceeded with.

Issue, Publication, and Effect of Certificate.

Clause F.
If not vetoed, Certificate to issue.

17. If neither House of Parliament within the Period or extended Period aforesaid thinks fit to resolve that the Certificate ought not to be made, then as soon as the Period of Six Weeks after the laying of the Draft Certificate before both Houses of Parliament or as soon as such extended Period as aforesaid (if any) has expired, the Board of Trade may make and issue a Certificate in conformity with such Draft.

Publication in Gazette.

18. The Certificate shall be published in the London, Edinburgh, or Dublin Gazette, respectively, if the Railway will be situate wholly in England or Scotland, or in Ireland; and shall be published both in the London and in the Edinburgh Gazette, if the Railway will be situate partly in England and partly in Scotland.

19. As from the Time (not being prior to such Publication) in the Certificate prescribed, and if none is prescribed then as from the Time of such Publication, the Certificate shall have the same Force and Operation, and shall be as absolutely valid and conclusive to all Intents, as if the Contents thereof (taken in conjunction with this Act) had been expressly enacted by Parliament; and the Validity of the Certificate shall not be impeached on account of any alleged Error or Informality, or on any other Ground whatever, in any Court or elsewhere.

Operation of Certificate as a Special Act.

20. The Certificate shall be judicially noticed without being specially pleaded.

Judicial Notice of Certificate.

21. Terms used in the Certificate shall (unless it is otherwise provided therein) have the same Meanings as they have when used in this Act.

Interpretation of Certificate.

Duration of Powers under Certificate.

22. If the Company, Body, or Persons by the Certificate empowered to make the Railway do not within the Time prescribed in the Certificate, and if none is prescribed then within Five Years from the Commencement of the Operation of the Certificate, complete the Railway and open it for public Traffic, then (subject to any Provisions and Qualifications in the Certificate contained) all the Powers and Authorities given by the Certificate shall, from and after the Expiration of the Time aforesaid, cease, except as to so much of the Railway as is then completed.

Cesser of Powers at Expiration of prescribed Time.

Lands.

23. The Lands Clauses Acts shall be incorporated with the Certificate (which shall for this Purpose be deemed the Special Act) except as may be therein excepted, and except as to the following Provisions, namely,—

Incorporation of Lands Clauses Acts in Certificate, except Provisions giving compulsory Powers, &c.

(1.) With respect to the Purchase and taking of Lands otherwise than by Agreement:

(2.) With respect to the Entry upon Lands by the Promoters of the Undertaking:

(3.) So much of those Acts as provides for the Determination or Ascertainment of the Amount of any Purchase or Compensation Money, or the Settlement of any Apportionment or other Matter, otherwise than by Agreement (but excluding from this Exception so much of those Acts as provides for the

Determination of the Amount of Compensation to be paid for Enfranchisement of Copyholds):

(4.) With respect to the Provision to be made for affording Access to the Special Act by all Parties interested:

and subject to this Restriction,—that the Part of the Lands Clauses Acts with respect to Interests in Lands which have by Mistake been omitted to be purchased shall not take effect for the Purposes of the Certificate except with the Consent of the Board of Trade, which Consent the Board of Trade may give, if they think fit, on being satisfied that the Promoters have acted in the Matter with good Faith, and thereupon that Part shall take effect for the Purposes of the Certificate, subject to such Conditions (if any) as the Board of Trade, on giving such Consent, think just and expedient.

Incorporation of Company.

In what Cases Company shall be incorporated.

24. Where the Promoters are not a Company incorporated (by Special Act, or by previous Certificate under this Act, or otherwise), and are Seven or more in Number, a Company shall be incorporated by the Certificate, for the Purposes thereof.

In others Company may be incorporated.

25. Where the Promoters are not a Company incorporated by Special Act, or by previous Certificate under this Act, and are less than Seven in Number, a Company may be incorporated by the Certificate for the Purposes thereof, if the Promoters so desire.

Power for Board of Trade to incorporate Company by Certificate.

26. Where the Certificate incorporates a Company, it shall contain proper Provisions with apt Terms for creating a Body Corporate, by an appropriate Name, with perpetual Succession and a Common Seal, and with Power to take, hold, and dispose of Lands and other Property, for the Purposes and subject to the Restrictions of the Certificate, and may confer on the Company Power to borrow on Mortgage, and all other usual or proper Powers.

Incorporation of Companies Clauses Acts.

27. In every such Case, the Companies Clauses Acts shall be incorporated with the Certificate (which shall be deemed the Special Act) except as may be therein excepted, and except as to Access to the Special Act.

Restrictions on Company as to borrowing, &c.

28. Every Company empowered by a Certificate, whether incorporated by Special Act or by Certificate, or otherwise, shall, except so far as may be expressly otherwise provided in some Special Act or Certificate, be subject to the following Restrictions, namely:—

(1.) They shall not borrow any Money until the whole of their nominal Capital authorized by the Certificate is subscribed for or taken, and until One Half thereof is actually paid up, and until they prove to a Justice of the Peace, or (in Scotland) a Sheriff, (and in the Case of a Company which is subject to the Companies Clauses Acts the same Justice who is to certify under Section 40. of The Companies Clauses Consolidation Act, 1845, or the same Sheriff who is to certify under Section 42. of The Companies Clauses Consolidation (Scotland) Act, 1845, as the Case may be, before he so certifies,) that the whole of the nominal Capital has been subscribed for or taken in good Faith, and is held by Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same (of which Matters the Certificate of the Justice or Sheriff shall be sufficient Evidence):

(2.) They shall not borrow a larger Sum in the whole than One Third of the Amount of their nominal Capital authorized by the Certificate:

(3.) They shall not out of Money raised under the Certificate by Calls or borrowing pay Interest or Dividend to a Shareholder on the Amount of Calls made on his Shares, whether created under the Certificate or otherwise; (but this Provision shall not prevent them paying to a Shareholder under the Certificate such Interest on Money advanced by him beyond the Amount of Calls actually made, as is allowed by the Companies Clauses Acts):

(4.) They shall not out of Money so raised pay or deposit any Money that may be required to be paid or deposited in relation to any Application to Parliament or the Board of Trade:

(5.) They shall apply every Part of the Money so raised only for Purposes for which it is by the Certificate authorized to be applied.

Contracts by Promoters binding on Company.

29. Contracts relative to the Purchase or taking of Lands for the Railway, entered into by the Promoters before the Incorporation of the Company by the Certificate, shall be as binding on the Company as if they had been entered into by the Company.

Construction of Railway.

Incorporation of Railways Clauses Acts in Certificate, except as to compulsory Powers, &c.

30. The Railways Clauses Acts shall be incorporated with the Certificate (which shall be deemed the Special Act), except as may be therein excepted, and except as to the following Provisions; namely,—

(1.) Such of the Provisions with respect to the Construction of the Railway and the Works connected therewith as relate to the Correction of Errors and Omissions in Plans or to Plans and Sections of Alterations:

(2.) With respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

(3.) With respect to leasing the Railway:

(4.) With respect to the Provision to be made for affording Access to the Special Act by all Parties interested:

and subject to the following Provisions, namely,—

(1.) Nothing herein shall confer Power for the taking or using of Lands for Deviation or for any other Purpose, otherwise than by Agreement:

(2.) Any Provision referring to the Datum Line described in the Section approved of by Parliament shall be read as referring to the Datum Line described in the Section approved of by the Board of Trade.

Restriction on Alterations of Plan or Section.

31. Where the Promoters desire to make any Alteration in the deposited Plan or Section, they may do so with the Consent of the Board of Trade; but it shall be the Duty of the Board of Trade not to issue a Certificate without being satisfied that all Parties interested in Lands liable to be affected by or in consequence of the Alteration consent thereto.

Provision respecting Gauge.

32. Every Railway made under this Act in England or Scotland shall be made on the Gauge of Four Feet Eight Inches and Half an Inch, unless in any Case the Certificate prescribes the making of the Railway on the Gauge of Seven Feet or on both those Gauges.

Every Railway made under this Act in Ireland shall be made on the Gauge of Five Feet Three Inches.

Provisions to secure Completion of Railway.

Promoters to deposit Eight per Cent. on Estimate in Court of Chancery, &c.

33. After the Certificate is ready to be issued, and before the same is issued, by the Board of Trade, the Promoters, unless they are a previously existing Company possessed of a Railway open for public Traffic, shall, within such Time as General Rules under this Act direct, pay as a Deposit a Sum of Money not less than Eight per Centum on the Amount of their Estimate of the Expense of the Construction of the Railway, as follows; namely,—

Where the Railway or any Part thereof will be situate in England,—into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery in England:

Where the Railway will be situate wholly in Scotland,—either into the Bank of England in manner aforesaid, or (at the Option of the Promoters) into a Bank in Scotland established by Act of Parliament or Royal Charter, in the Name and with the

Privity of the Queen's Remembrancer of the Court of Exchequer in Scotland:

Where the Railway will be situate in Ireland,—into the Bank of Ireland, in the Name and with the Privity of the Accountant General of the Court of Chancery in Ireland.

Warrant of Board of Trade for Payment into Court.

34. The Board of Trade may issue their Warrant for such Payment into Court, which Warrant shall be a sufficient Authority for the Persons therein named, or the Majority or Survivors of them, to pay the Money therein mentioned into the Bank therein mentioned, in the Name and with the Privity of the Officer therein mentioned, and for that Officer to receive the same, to be placed to his Account there, ex parte the Railway therein mentioned, according to the Method (prescribed by Statute, or General Rules or Orders of Court, or otherwise,) for the Time being in force respecting the Payment of Money into the said Courts respectively, and without Fee or Reward.

Liberty for Promoters to bring in Exchequer Bills, &c.

35. Provided, that in lieu, wholly or in part, of the Payment of Money, the Promoters may bring into Court as a Deposit an equivalent Sum of Bank Annuities, or of any Stocks, Funds, or Securities on which Cash under the Control of the respective Court is for the Time being permitted to be invested, or of Exchequer Bills, (the Value thereof being taken at the Price at which the Promoters originally purchased the same, as appearing by the Broker's Certificate of that Purchase); and in that Case the Board of Trade shall vary their Warrant accordingly.

Provision for Vacations in Offices of Courts.

36. At any Time when the Office of the Accountant General of the Court of Chancery in England or Ireland is closed, a Deposit under this Act may nevertheless be made, in such Manner as General Orders of the respective Courts authorize and direct.

Power for Court to direct Investment.

37. Where Money is so paid into the Court of Chancery in England or Ireland, the Court may, on the Application of the Persons named in the Warrant of the Board of Trade, or of the Majority or Survivors of them, order that the same be invested in such Stocks, Funds, or Securities as the Applicants desire and the Court thinks fit.

Interpretation of "Deposit Fund" and "Depositors" in following Provisions.

38. In the subsequent Provisions of this Act, the Term "the Deposit Fund" means the Money deposited, or the Stocks, Funds, or Securities in which the same is invested, or the Bank Annuities, Stocks, Funds, Securities, or Exchequer Bills deposited, as the Case may be; and the Term "the Depositors" means the Persons named in the Warrant of the Board of Trade authorizing the Deposit, or the Majority or Survivors of those Persons, their Executors, Administrators, or Assigns.

Repayment of Deposit on Completion of Railway or on Terms.

39. The Court in which the Deposit is made shall, on the Application of the Depositors, order the Deposit Fund to be paid, transferred, or delivered out to the Applicants, or as they direct, in any of the following Events, namely,—

(1.) If, within the Time in the Certificate prescribed, and if none is prescribed, then within Five Years from the Commencement of the Operation of the Certificate, the Company, Body, or Persons thereby empowered to make the Railway complete it and open it for public Traffic; or

(2.) If, within the same Time, they (being a Company) prove to the Satisfaction of the Board of Trade that One Half of their nominal Capital authorized by the Certificate is paid up, and that they have expended a like Amount for the Purposes of the Certificate; or

(3.) If, at any Time after the issuing of the Certificate, they execute and deliver to the Solicitor of Her Majesty's Treasury a Bond with a Surety or Sureties (such Bond being prepared to the Satisfaction of, and such Surety or Sureties being approved by, the said Solicitor) in a penal Sum of Twice the Amount of the Money required to be deposited, conditioned to the Effect following, namely,—for Payment to Her Majesty, Her Heirs or Successors, of the Amount of the Money required to be deposited, if the Obligors do not, within the Time aforesaid, either complete the Railway and open it for public Traffic, or (being a Company) give such Proof as aforesaid respecting their Capital and Expenditure.

Forfeiture of Deposit on Non-completion of Railway, &c.

40. If the Company, Body, or Persons empowered by the Certificate to make the Railway do not, within the Time in the Certificate prescribed, and if none is prescribed, then within Five Years from the Commencement of the Operation of the Certificate, do one or other of the following Things, namely,—

(1.) complete the Railway and open it for public Traffic; or

(2.) give (being a Company) such Proof as herein-before mentioned respecting their Capital and Expenditure; or

(3.) execute and deliver such a Bond as is herein-before described,—

then and in every such Case the Deposit Fund shall, from and after the Expiration of the Time aforesaid, be forfeited to Her Majesty, and shall accordingly be paid, transferred, or delivered out to or for the Account of Her Majesty's Exchequer, in such Manner as the Court in which the Deposit is made thinks fit to order, on the Application of the Solicitor of Her Majesty's Treasury, on Notice to such Parties (if any) as the Court thinks fit; and the

Deposit Fund, when so paid, transferred, or delivered, or the Proceeds thereof, shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Application of Money recovered on Bond.

41. Where any such Bond as aforesaid is given, the Amount recovered thereon shall be paid to the Account of Her Majesty's Exchequer, and shall be carried to and form Part of the said Consolidated Fund.

Depositors to receive Dividends accruing while Fund in Court.

42. The Depositors shall be entitled to receive Payment of the Interest or Dividends from Time to Time accruing on the Deposit Fund while in Court; and the Court in which the Deposit is made may from Time to Time, on the Application of the Depositors, make such Order as seems fit respecting the Payment of the Interest or Dividends accordingly.

Proof as to Capital and Expenditure, Execution of Bond, &c.

43. The Certificate of the Board of Trade that such Proof as aforesaid respecting the Capital and Expenditure of any Company has been given to the Satisfaction of the Board of Trade, and the Certificate of the Solicitor of Her Majesty's Treasury that such Bond as aforesaid has in any Case been prepared, executed, and delivered to his Satisfaction, shall respectively be sufficient Evidence of the Matters therein certified.

Protection to Board of Trade in case of Error, &c.

44. The issuing in any Case of any Warrant or Certificate relating to Deposit or to the Deposit Fund, or any Error in any such Warrant or Certificate or in relation thereto, shall not make the Board of Trade, or the Person signing the Warrant or Certificate on their Behalf, in any Manner liable for or in respect of the Deposit Fund, or the Interest of or Dividends on the same, or any Part thereof, respectively.

Mode of Application to Courts.

45. Any Application under this Act to the Court of Chancery in England or Ireland shall be made in a summary Way in such Manner as General Orders of those Courts respectively direct.

Power for Courts to make General Orders.

46. The Lord Chancellor of Great Britain with the Advice and Assistance of the Lords Justices of the Court of Appeal in Chancery and the Master of the Rolls and the Vice Chancellors, or any Two of those Judges, and the Lord Chancellor of Ireland with the Advice and Assistance of the Lord Justice of the Court of Appeal in Chancery in Ireland and of the Master of the Rolls in Ireland, may respectively from Time to Time make such General Orders as seem fit for the Regulation of the Practice under this Act of the Court of Chancery in England and Ireland respectively.

Penalty on Company failing to open new Railway in certain Cases.

47. Where a Certificate is obtained by a previously existing Company possessed of a Railway open for public Traffic, then, if the Company fail to complete the Railway and open it for public Traffic within the Time in the Certificate prescribed, and if none is prescribed, then within Five Years from the Commencement of the Operation of the Certificate, the Company shall be liable to a Penalty of not less than Twenty Pounds and not exceeding Fifty Pounds for every Day during which such Failure continues, except only in respect of any Time during which it appears from a Certificate of the Board of Trade that the Company were prevented from completing the Railway or opening it for public Traffic by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be deemed a Circumstance beyond their Control within the Meaning of this Provision.

Tolls and Charges for Use of Railway.

Tolls, &c. in Schedule.

48. The Proprietors of the Railway may demand and take, in respect of the Railway, Tolls and Charges not exceeding the Sums specified in the Schedule to this Act, subject and according to the Regulations therein specified.

Power for Board of Trade to vary Tolls, &c.

49. The Board of Trade may nevertheless by the Certificate vary the Tolls and Charges and Regulations specified in the Schedule to this Act, or any of them, if in any Case it seems to them necessary or proper under the Circumstances to do so.

Application of General Railway Acts.

Enactments in Schedule applied to the Railway and Company, subject to Variations.

50. The Enactments described in the Schedule to this Act, and any Enactments amending, perpetuating, or otherwise affecting any of them, so far as the same are in force at the passing of this Act, shall extend and apply, as the Case may require, to the Railway, and to the Company, Body, or Persons empowered by the Certificate to make the Railway, and shall in all respects operate in relation thereto respectively as if they were expressly repeated and re-enacted in this Act, subject, nevertheless, and according to the following Variations and Provisions, namely,—

(1.) For the Purposes and within the Meaning of any of those Enactments, the Railway shall be deemed to be a Railway made and constructed and carried on under the Authority of Parliament and under the Powers and Provisions of an Act of Parliament, and the Certificate (taken in conjunction with this Act) shall be deemed to be a Special Act of Parliament regulating or relating to the Railway, or the Company, Body, or Persons empowered to make the same (as the Case may require):

(2.) Such of those Enactments as refer to the Time of the passing of an Act of Parliament for the Construction of a Railway, or to the last Day of the Session in which such an Act is passed, shall respectively be read and have effect as referring to the Time of the Commencement of the Operation of the Certificate:

(3.) The Terms "Company" and "Railway Company" used in any of those Enactments shall respectively include any Body or Persons empowered by the Certificate to make the Railway:

(4.) Such of those Enactments as refer to the Directors, or any Director, or the Secretary, Chief or other Clerk, Accountant, Treasurer, or other Officer of a Company, shall extend and apply to every or any Member of the Body (not being a Body Corporate), or to every or any One of the Persons (not being a Company), empowered by the Certificate to make the Railway (as the Case may be):

(5.) Such of those Enactments as refer to a Writing under the Common Seal of the Company shall be read and have effect as referring to a Writing under the Common Seal of any such Body as aforesaid (being a Body Corporate), or under the Hand and Seal of any One of the Members of such Body (not being a Body Corporate), or of any One of such Persons, as aforesaid:

(6.) Such of those Enactments as impose any Penalty or Forfeiture, or any pecuniary Liability or any Obligation, on a Company, or give any Right, Remedy, or Process against a Company, shall be read and have effect (so far as the Nature and Circumstances of the Case admit) as imposing a like Penalty, Forfeiture, Liability, or Obligation on, or as giving a like Right, Remedy, or Process against, every or any Member of such Body, or every or any One of such Persons, as aforesaid (as the Case may be), but not so as to authorize the Recovery of any Penalty or Forfeiture from, or the Enforcement of any pecuniary Liability against, more than One of such Members or Persons as aforesaid in respect of the same Offence, Matter, or Thing:

(7.) The Amount of any Compensation to be made to the Owners and Occupiers of any Lands for Loss or Injury or Inconvenience sustained by them respectively by reason of any Works done under the Authority of any of those Enactments shall, in case of Dispute, be settled in manner directed by the Lands Clauses Acts and the Railways Clauses Acts as respectively applicable to the Case:

(8.) Such of those Enactments as provide for the Case of the Board of Trade certifying that the Public Safety requires additional Land to be taken by a Company for the Purpose of giving increased Width to the Embankments or Inclination to the Slopes of the Railway, or for making Approaches to Bridges or Archways, or for doing Works for the Repair or Prevention of Accidents or Slips happening or apprehended to the Cuttings, Embankments, or other Works of the Railway, shall be read and have effect, as regards such Portions of Land as are mentioned in any Certificate so given by the Board of Trade, as if compulsory Powers of purchasing and taking Lands had been contained in the Certificate under this Act authorizing the making of the Railway, and the Provisions of the Lands Clauses Acts and the Railways Clauses Acts relative to the compulsory Purchase or taking of Land had been incorporated with that Certificate:

(9.) If the Railway is in any respect constructed contrary to the Provisions of the Certificate, or of this Act, it shall be deemed to be constructed contrary to the Provisions of any of those Enactments applicable in the Case:

(10.) Nothing herein shall extend or make applicable, for the Purposes of this Act, to or in any one of the Parts of the United Kingdom, any of those Enactments not in force there independently of this Act.

Miscellaneous.

Board of Trade may reject the Application.

51. Nothing in this Act shall make it obligatory on the Board of Trade to settle a Draft of a Certificate in any Case if it appears to the Board of Trade for any Reason that it would not be for the public Advantage that the Application of the Promoters should be complied with.

Saving for General Acts, or Revision of Charges.

52. Nothing in the Certificate shall exempt the Railway, or the Company, Body, or Persons to whom it belongs, from the Provisions of any General Act of Parliament relating to Railways, or to the better Audit of the Accounts of Railway Companies, passed before the issuing of the Certificate, except a Provision in the Certificate expressly referring to the General Act, and expressly containing such Exemption; and nothing in the Certificate shall exempt the Railway, or the Company, Body, or Persons to whom it belongs, from the Provisions of any such General Act to be passed after the issuing of the Certificate, or from any Revision and Alteration,

tion, under the Authority of Parliament, of the maximum Tolls and Charges allowed to be taken under the Certificate.

New Works in connexion with Railway.

53. All the Provisions of this Act which relate to the making of a Railway shall extend and apply, mutatis mutandis, to the making or executing of any Work connected with or for the Purposes of a Railway (as distinguished from the Construction of a Railway), subject to this Modification,—that where the proposed Work will not injuriously affect the existing Rights, Powers, or Interests of any Company, Body, or Persons other than the Promoters, and will not interfere with any Public or Turnpike Road, or other Public Work or Property, and the Promoters are the Owners, or have the Use or Disposition, of the Lands required for the Work, the Board of Trade may, if they think fit, by a Special Order dispense wholly or in part with the Deposit of Maps, Plans, Sections, and Books of Reference, and the Payment of Money into Court; but like Notice of the Application shall be given as in other Cases, and the Advertisement shall state the Effect of the Special Order of the Board of Trade.

Power to authorize joint Work.

54. Subject and according to the Provisions of this Act, the Board of Trade may, on a joint Application or on Two or more separate Applications, issue a Certificate empowering Two or more Companies, Bodies, or Persons, respectively, to jointly make or execute the whole, or to separately make or execute Parts, of a Work connected with or for the Purposes of a Railway, and to jointly or separately use the whole or Parts thereof; and all the Provisions of this Act which relate to the making of a Railway, or the making or executing of a Work, shall extend and apply to the making or executing of the whole and the separate Parts of such Work as last aforesaid: and the Form of the Certificate may be adapted to the Circumstances of the Case.

Power for Promoters, being a Company, to raise additional Capital.

55. Where the Certificate is obtained by a previously existing Company incorporated by Special Act or by Certificate, the Certificate may authorize the Company to raise, as Capital, for the Purposes of the Certificate, such additional Sum of Money as therein limited, by the Issue of new Shares or new Stock, either Ordinary or Preference, or partly Ordinary and partly Preference, or partly in that Mode and partly by borrowing on Mortgage, at the Option of the Company, or as may be prescribed in the Certificate, and with Power to create and issue Debenture Stock.

In every such Case the Companies Clauses Acts shall be incorporated with the Certificate, except as may be therein excepted, and except with respect to the Provision to be made for affording Access to the Special Act by all Parties interested.

In every such Case the Restrictions by this Act imposed on a Company when originally incorporated by Certificate, with respect to the Exercise of their Borrowing Power and to the Application of Money raised under the Certificate by Calls or borrowing, shall extend and apply to such previously existing Company in respect of such additional Capital, except so far as may be expressly otherwise provided in some Special Act or Certificate.

Where Promoters are a Company, Approval of Application by a Meeting.

56. Where the Certificate is obtained by a previously existing Company incorporated by Special Act or by Certificate, it shall be the Duty of the Board of Trade not to settle a Draft of the Certificate without being satisfied that the Members of the Company have approved of the Application to the Board of Trade, in like Manner as, under the Standing Orders of either House of Parliament for the Time being in force, their Approval of a Railway Bill would be required to be given in the same Case.

Power for Board of Trade to amend or revoke Certificate.

57. Subject and according to the Restrictions and Provisions of this Act, the Board of Trade, on the Application of any Company, Body, or Persons empowered by a Certificate, may from Time to Time amend, extend, or vary by Certificate the previous Certificate, and may by Certificate revoke the previous Certificate.

Power to correct Error.

58. If in any Case it is made to appear to the Board of Trade that any Error has been committed in a Certificate or in relation thereto, the Board of Trade may, subject and according to the Restrictions and Provisions of this Act, on the Application of any Company, Body, or Person affected by the Error, and on Notice to the Company, Body, or Persons empowered by the Certificate, correct the Error by Certificate.

Dispensation with Requirements in case of Amendment, &c.

59. Where Application is made to the Board of Trade for a Certificate to amend, extend, vary, or revoke a previous Certificate, or to correct an Error, they may, if they think fit, by a Special Order dispense wholly or in part with the Publication of Notices, and the Deposit of Maps, Plans, Sections, and Books of Reference; and if there is not any new Work proposed Payment of Money into Court shall not be required; but like Notice of the Application shall be given as in other Cases, and the Advertisement shall state the Effect of the Special Order of the Board of Trade.

Proof of Certificate.

60. A Copy of the London, Edinburgh, or Dublin Gazette containing a Certificate, or a Copy of a Certificate purporting to be printed by the Printers of the London, Edinburgh, or Dublin Gazette, shall be conclusive Evidence of the Certificate, and of the due Publication thereof, without any Proof of the Gazette, or without any Proof of the Copy having been in fact so printed, as the Case may be.

Copies of Certificate for Sale.

61. The Company, Body, or Persons empowered by a Certificate shall at all Times keep at their Head Office Copies of the Certificate printed by the Printers of the Gazette or One of the Gazettes in which the same was published, in such Form as General Rules under this Act direct, to be sold to all Persons desiring to buy the same, at a Price not exceeding One Shilling for each Copy.

If any Company, Body, or Persons fail to comply with this Provision they shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the First Penalty is incurred.

Recovery and Application of Penalties.

62. Penalties under this Act or under a Certificate, the Recovery and Application whereof are not otherwise provided for, shall be recovered and applied as Penalties under the Railways Clauses Acts are recoverable and applicable.

Custody of Documents. 7 Will. 4. & 1 Vict. c. 83.

63. The Act of the Session of the Seventh Year of King William the Fourth and the First Year of Her Majesty, (Chapter Eighty-three,) "to compel Clerks of the Peace and other Persons to take the "Custody of such Documents as shall be directed to be deposited "with them under the Standing Orders of either House of Par-"liament," shall apply to Documents required to be deposited by General Rules under this Act.

CLAUSE G. General Rules in Schedule with Power for Amendment.

64. The General Rules under this Act shall in the first instance be those set forth in the Schedule to this Act; and the Board of Trade may from Time to Time, for the better Execution of this Act, make General Rules adding to, altering, or revoking any General Rules for the Time being in force under this Act; but any General Rules so made by the Board of Trade shall not have Effect unless and until they are laid before both Houses of Parliament, and if either House of Parliament, within Six Weeks after the same are laid before that House, thinks fit to resolve that the same or any Part thereof ought not to take Effect, the same or that Part thereof (as the Case may be) shall not take Effect; otherwise all Rules made by the Board of Trade under the present Section shall be of the same Force and Effect as if they had been comprised in the Schedule to this Act.

All General Rules which are to take Effect under the present Section shall be published in the London, Edinburgh, and Dublin Gazettes.

Annual Report to Parliament by Board of Trade.

65. Not later than the Month of July in each Year the Board of Trade shall lay before both Houses of Parliament a Report respecting the Applications to and Proceedings of the Board of Trade under this Act during the Year then last past.

The SCHEDULE referred to in the foregoing Act.

(i.)—*Form of Declaration respecting Contracts by Promoters for Purchase of Land.*

In the matter of
The Railways Construction Facilities Act, 1864,
and
The (proposed) Railway.

I *A.B.* of in the County of
Gentleman, solemnly declare as follows:

1. I am acting in this Matter as Solicitor for the Promoters.

2. To the best of my Knowledge and Belief, the Promoters have contracted for the Purchase or taking of all the Lands required for the proposed Railway and the Works connected therewith.

(Signed) *A.B.*

Declared at the Day of
before me, *L. M.*,
Justice of the Peace for

(ii.)—*Notice of Opposition.*

In the matter of
The Railways Construction Facilities Act, 1864,
and
The (proposed) Railway.

We, the Railway [*or* Canal] Company [*or as the Case may be*], hereby declare and give Notice that we desire to be heard by Counsel, Agents, and Witnesses against the above-mentioned proposed Undertaking.

Dated this Day of , 18 .

Witness, *A.B.*

L.S.

(iii.)—*Form of Certificate of Board of Trade.*

The Railway.

Certificate of the Board of Trade for the Construction of the Railway.

Whereas the Promoters of the Railway have contracted for the Purchase of the Lands required for the Railway and the Works connected therewith, and have complied with the Requirements of The Railways Construction Facilities Act, 1864:

Now, therefore, the Board of Trade do, by this their Certificate, in pursuance of the said Act, and by virtue and in exercise of the Powers thereby in them vested, and of every other Power enabling them in this Behalf, certify as follows:

[*Here are to follow the Provisions of the Certificate shewing the Powers conferred and the Terms and Conditions (if any) imposed.*]

The Board of Trade, (Signed) *C.D.*
Whitehall. Secretary to the Board of Trade.
Dated this Day of

(iv.)—*Tolls and Charges.*

TABLE I.

Maximum Charges for Use of Railway and Supply of Carriages, Waggons, or Trucks.

	For Use of Railway, per Mile.	For Supply of Carriage, Waggon, or Truck by the Proprietors of the Railway, the additional Sum per Mile of
Passengers :—		
For every Person	Twopence.	One Penny.
Animals :—		
For every Horse, Ass, Mule, or other Beast of Draught or Burden (Class 1.)	Threepence.	One Penny.
For every Ox, Cow, Bull, or Head of Neat Cattle (Class 2.)	Twopence.	One Penny.
For every Calf, Pig, Sheep, Lamb, and other small Animal (Class 3.)	Three Farthings.	One Farthing.
Goods (except as provided for in Table IV.) :—		
For Cotton and other Wools, Manufactured Goods, Drugs, Fish, and all other Wares, Merchandise, Articles, Matters, or Things not enumerated in any other Class (Class 4.) per Ton	Threepence.	One Penny.
For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils, Vices, Chains, and Light Iron Castings (Class 5.) per Ton	Twopence Halfpenny.	One Penny.
For Coke, Charcoal, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Wrought Iron, Heavy Iron Castings, Railway Chains, Slabs, Billets, and Rolled Iron, Lime, Bricks, Tiles, Slates, Salt, Fireclay and Stone, (Class 6.) per Ton	Three Halfpence.	One Penny.
For Dung, Compost, Manure, undressed Material for Repair of Public Roads or Highways, Coals, Culm, Cinders, Cannel, Ironstone, Iron Ore, Limestone, Clay (except Fireclay) Chalk, Sand, and Slag, (Class 7.) per Ton	Five Farthings.	One Halfpenny.
For every Carriage of whatever Description conveyed on a Truck or Platform belonging to the Proprietors of the Railway (Class 8.):		
If not weighing more than One Ton	Sixpence.	
If weighing more than One Ton, then for the first Ton	Sixpence.	
And for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, above the first Ton	Three Halfpence.	

TABLE II.

Maximum Charges for Supply of Locomotive Power.

For the Use of Engines for propelling Carriages on the Railway, for every Passenger, Animal, and Ton of Goods - - per Mile *One Penny.*

TABLE III.

Maximum total Charges for Use of Railway and Supply of Carriages, Waggons or Trucks, and Supply of Locomotive Power, and every other Expense incidental to Conveyance of Passengers, Animals, or Goods along the Railway.

		Per Mile.
Passengers :—		
For every Person conveyed in a First-class Carriage -		Threepence.
,, ,, Second-class ,, -		Twopence.
,, ,, Third-class ,, -		Five Farthings.
Animals :—		
For every Animal in Class 1. - - - -		Fourpence.
,, Class 2. - - - -		Threepence.
,, Class 3. - - - -		Three Halfpence.
Goods :—		
For every Thing in Class 4. - -	per Ton	Fourpence.
,, Class 5. - -	per Ton	Threepence.
,, Class 6. - -	per Ton	Twopence.
,, Class 7. - -	per Ton	Three Halfpence.
For every Carriage in Class 8. - - - -		The Charge specified in Table I.

TABLE IV.

Maximum Charges for Small Packages and Single Articles of Great Weight.

Small Packages :—	
For every Parcel not exceeding Seven Pounds in Weight	Sixpence.
,, exceeding Seven Pounds, but not exceeding Fourteen Pounds, in Weight -	Eightpence.
,, exceeding Fourteen Pounds, but not exceeding Twenty-eight Pounds, in Weight	One Shilling.
,, exceeding Twenty-eight Pounds, but not exceeding Fifty-six Pounds, in Weight	One Shilling and Threepence.
,, exceeding Fifty-six Pounds, but not exceeding Five hundred Pounds, in Weight, for the first Fifty-six Pounds -	One Shilling.
And for every additional Fifty-six Pounds, or fractional Part of Fifty-six Pounds, above the first Fifty-six Pounds - - -	Sixpence.

Single Articles of Great Weight :—

For every Boiler, Cylinder or Single Piece of Machinery, Timber or Stone, or other Single Article :

If weighing (inclusive of the Carriage) more than Four but not more than Eight Tons, Sixpence per Ton per Mile.

If weighing (inclusive of the Carriage) more than Eight Tons, such Sum as the Proprietors of the Railway think fit.

REGULATIONS.

Short Distance Charge.

1. For Passengers, Animals, or Goods conveyed on the Railway for a Distance less than that prescribed in the Certificate as the Short Distance, and if none is prescribed then for a Distance less than Six Miles, Charges are to be payable as for the Short Distance prescribed, and if none is prescribed then as for Six Miles.

Fraction of Mile; Passengers.

2. In respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles is to be deemed a Mile.

Fraction of Mile; Animals and Goods.

3. In respect of Animals and Goods, for a Fraction of a Mile beyond the Short Distance prescribed, or if none is prescribed then beyond Six Miles, or beyond any greater Number of Miles, Charges are to be payable in proportion to the Number of Quarters of a Mile contained in that Fraction; and a Fraction of a Quarter of a Mile is to be deemed a Quarter of a Mile.

Fraction of Ton.

4. For a Fraction of a Ton Charges are to be payable according to the Number of Quarters of a Ton in that Fraction; and a Fraction of a Quarter of a Ton is to be deemed a Quarter of a Ton.

Passengers Luggage.

5. Every Passenger travelling on the Railway may, without Charge, cause to be carried in the same Train with him his ordinary Luggage, not exceeding the Weight prescribed in the Certificate, and if none is prescribed then not exceeding the Weight of One hundred and twenty Pounds for a First-class Passenger, One hundred Pounds for a Second-class Passenger, and Sixty Pounds for a Third-class Passenger.

Special Trains.

6. The Restriction as to Charges for Passengers does not extend to Special Trains when required by Passengers, but applies only to the Ordinary or Express Passenger or Goods Trains appointed by the Proprietors of the Railway.

Determination of Weight.

7. Except as to Stone and Timber, Weight is to be determined according to Avoirdupois Weight.

Fourteen Cubic Feet of Stone, and Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, are to be deemed One Ton, and so in proportion for any smaller Quantity.

Terminal Station Charges.

8. In addition to the Charges in Table III., a reasonable Charge is to be payable for the loading, covering, and unloading of Goods at any Station, being a Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier, where such Services, or any of them, are or is performed by the Proprietors of the Railway.

A Station is not to be considered a Terminal Station in respect of Goods, unless they are received there direct from the Consignor, or are directed to be delivered there to the Consignee.

Small Packages.

9. The Term Small Packages does not include Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like; but applies only to single Parcels in separate Packages.

Agreement for higher Charges.

10. Nothing herein or in the Certificate contained is to prevent the Proprietors of the Railway from taking any Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or any Persons in charge of such Goods, either in respect of the Conveyance thereof (except Small Packages) by Passenger Trains, or by reason of any other special Service performed by the Proprietors of the Railway in relation thereto.

(v.)—*Enactments in General Acts relating to Railways applied to Railways under this Act.*

Session and Chapter, and Section (if any).	Title or Short Title of Act.
1 & 2 Vict. c. 80.	An Act for the Payment of Constables for keeping the Peace near Public Works.
1 & 2 Vict. c. 98.	An Act to provide for the Conveyance of the Mails by Railways.
2 & 3 Vict. c. 45.	An Act to amend an Act of the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth relating to Highways.
3 & 4 Vict. c. 97.	An Act for regulating Railways.
5 & 6 Vict. c. 55.	An Act for the better Regulation of Railways, and for the Conveyance of Troops.
5 & 6 Vict. c. 79. ss. 2 to 7 (both inclusive), and ss. 24, 25, 26.	An Act to repeal the Duties payable on Stage Carriages, and on Passengers conveyed upon Railways, and certain other Stamp Duties in Great Britain, and to grant other Duties in lieu thereof; and also to amend the Laws relating to Stamp Duties.
7 & 8 Vict. c. 85.	An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes relating to Railways.
8 & 9 Vict. c. 3.	An Act for the Appointment of Constables or other Officers for keeping the Peace near Public Works in Scotland.
8 & 9 Vict. c. 46.	An Act for the Appointment of additional Constables for keeping the Peace near Public Works in Ireland.
9 & 10 Vict. c. 57. ss. 4, 6, 7, 8.	An Act for regulating the Gauge of Railways.
10 & 11 Vict. c. 85. s. 16.	An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.
14 & 15 Vict. c. 64.	An Act to repeal the Act for constituting Commissioners of Railways.
17 & 18 Vict. c. 31.	The Railway and Canal Traffic Act, 1854.
18 & 19 Vict. c. 122. s. 6.	An Act to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.
20 & 21 Vict. c. 31. s. 4.	An Act to amend and explain the Inclosure Acts.
21 & 22 Vict. c. 75.	An Act to amend the Laws relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies, being also Railway Companies.
22 & 23 Vict. c. 59.	Railway Companies Arbitration Act, 1859.
26 & 27 Vict. c. 33. ss. 13, 14.	An Act for granting to Her Majesty certain Duties of Inland Revenue, and to amend the Laws relating to the Inland Revenue.
26 & 27 Vict. c. 112. s. 32.	The Telegraph Act, 1863.

(vi.)—*General Rules.*

Form of Application.

1. The Application to the Board of Trade for a Certificate is to be made by a Memorial in Writing, signed by the Promoters, or some or one of them, and lodged at the Office of the Board of Trade.

2. Together with the Memorial the Promoters are to lodge—

(*a.*) A printed Draft of the Certificate as proposed by the Promoters:

(*b.*) An Estimate of the Expense of the Construction of the proposed new Railway or Work (if any), signed by the Person making the Estimate.

Plans, Sections, &c.

3. Maps, Plans, Sections, and Books of Reference deposited by the Promoters are to be such, in respect of Scale and Contents and otherwise, as, under the Standing Orders of either House of Parliament for the Time being in force, they would be obliged to deposit if they were proceeding in the same Case by a Railway Bill.

4. The Maps, Plans, Sections, and Books of Reference aforesaid are to be deposited at the Office of the Board of Trade at the Time when the Memorial is lodged there.

5. They are also to be deposited for public Inspection at the same Offices of the Clerks of the Peace or Sheriff Clerks, at which, under the Standing Orders aforesaid, the Promoters would be obliged to deposit them if they were proceeding in the same Case by a Railway Bill.

6. Where any Part of the Railway will be situate within the Limits of the Metropolis, as defined by The Metropolis Management Act, 1855, a Copy of so much of the Plans and Sections as relates to that Part shall be deposited at the Office of the Metropolitan Board of Works.

7. A Copy of so much of the Plans and Sections as relates to each Parish in which any Part of the Railway will be situate, or in which any Lands intended to be taken for the Railway are situate, together with a Copy of so much of the Book of Reference as relates to that Parish, is to be deposited for public Inspection with the Officer or Person with whom, under the Standing Orders aforesaid, the Promoters would be obliged to deposit the same if they were proceeding in the same Case by a Railway Bill.

Advertisements as to Application.

8. After all the Deposits aforesaid have been made, Notice of the Application to the Board of Trade is to be given by Advertisement published as follows, namely:

Where the Railway will be situate wholly in One County, City, or Town, or County of a City or Town, then once in each of Two successive Weeks in some One and the same Newspaper of that County, City, or Town, or County of a City or Town:

Where the Railway will not be situate wholly in One County, City, or Town, or County of a City or Town, then once in each of Two successive Weeks in some One and the same Newspaper of the County, City, or Town, or County of a City or Town, wherein the Head Office of the Promoters is situate, and also once in each of Two successive Weeks in some One and the same Newspaper of each County, City, or Town, or County of a City or Town, wherein any Part of the Railway will be situate:

If in any Case there is not any such Newspaper as herein-before described, then in like Manner in a Newspaper of some adjoining or neighbouring County:

In every Case, once at least in the London, Edinburgh, or Dublin Gazette, respectively, if the Railway will be situate wholly in England or Scotland, or in Ireland; and both in the London and in the Edinburgh Gazette, if the Railway will be situate partly in England and partly in Scotland.

9. The Advertisements are to be published either in the Month of June or in the Month of November and not at any other Time.

10. Each Advertisement is to give the Address of an Office in London where Copies of the Draft Certificate will be supplied as herein-after directed.

11. Each Advertisement is to state that all Persons desirous of making any Representation to the Board of Trade respecting the Application, may do so by Letter addressed to the Secretary of the Board of Trade, on or before the First Day of August or First Day of January next succeeding the Date of the Advertisement, according as the same is published in the Month of June or in the Month of November.

Deposit of Copies of Advertisements.

12. Within One Week after the Publication of the latest Advertisement, a Copy of each of the Newspapers and Gazettes containing the several Advertisements is to be lodged at the Office of the Board of Trade.

13. Within the same Time, a printed Copy of the Gazette Advertisement is to be deposited for public Inspection in each of the same Offices, and with each of the same Officers and Persons, in which or with whom the Maps, Plans, Sections, and Books of Reference or Parts thereof were deposited.

14. The last-mentioned Deposit of a Copy of the Gazette Advertisement may be made (if the Promoters choose) by means of a registered Post Letter, and any Deposit so made shall be deemed made on the Day on which such Letter would be delivered in ordinary course of Post.

Note of Time of Deposit.

15. Where any Document is deposited under these Rules for public Inspection, the Clerk of the Peace, Sheriff Clerk, or other Officer or Person, in whose Office or with whom it is deposited, is to make thereon a Memorial in Writing denoting the Time at which it was deposited.

Notice of Opposition.

16. Notice of Opposition is to be lodged at the Office of the Board of Trade, not later than the First Day of August or First Day of January next succeeding the Date of the Advertisement of Application, according as the same is published in the Month of June or in the Month of November.

Notice of Settlement of Draft Certificate.

17. On the Draft Certificate being settled by the Board of Trade, the Promoters are to serve a Copy thereof, with a Notice that the Draft has been settled by the Board of Trade, on every Company, Body, or Person, by whom any

Representation respecting the Application was made to the Board of Trade, and are also to give by Advertisement or otherwise such public or other Notice (if any) thereof, as according to the Circumstances of the Case the Board of Trade direct.

Supply of Copies of Draft Certificate.

18. From the Time of the Publication of the first Advertisement the Promoters are to keep in the Office mentioned in this Behalf in the Advertisement, a sufficient Number of Copies of the Draft of the Certificate as proposed by them, and are to furnish there Copies to all Persons applying for them at the Price of not more than Sixpence each.

19. From the Time of the Settlement of the Draft Certificate by the Board of Trade, the Promoters are to keep in the Office aforesaid Copies of the Draft supplied to them for that Purpose by the Board of Trade, and are to furnish there Copies thereof to all Persons applying for them at such Price (if any) as the Board of Trade from Time to Time direct.

Deposit of Money.

20. The Deposit of Money or Government Securities in Court is to be made within One Month after Notice from the Board of Trade that they are prepared to issue the Certificate.

Printing of Certificate.

21. Copies of the Certificate printed by the Printers of a Gazette are to be printed on ordinary White Folio Paper, similar in Size to the Paper on which the Public General Acts of Parliament are printed for public Sale.

Railways Construction Facilities.

A

BILL

[AS AMENDED IN COMMITTEE]

To facilitate in certain Cases the obtaining of Powers for the Construction of Railways.

(Prepared and brought in by Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,* 19 *May* 1864.

[Bill 111.]

Under 4 *oz.*

LORDS AMENDMENTS

TO THE

RAILWAYS CONSTRUCTION FACILITIES BILL.

[Note.—*The Page and Line refer to the Bill* (160.) *as first printed by the Lords.*]

Page 1.

Line 2. Leave out ("short"), and after ("Railway") insert ("and Deviations of existing Railways, and of Railways in course of "Construction")

Line 4. Leave out ("Lines") and insert ("Railways")

Page 2.

Line 5.
Line 7. } Leave out ("Body")

Line 42. Leave out from ("Railway") to ("The") in Page 3. Line 4.

Page 4.

Leave out Clause 5. and insert Clause A.

CLAUSE A. Notwithstanding anything in this Act, it shall not be necessary for the Promoters, before applying under this Act for Authority to make the Railway, to enter into any Contract with respect to any Part of a Turnpike Road or public Highway intended to be taken or used, or to be diverted or otherwise interfered with, for the Purposes of the Railway; but the Board of Trade, before they settle a Draft of such a Certificate as herein-after provided for, shall be satisfied that due Provision is made for the Interests of the Trustees or other Persons having the Management of every such Road or Highway, and for the Safety and Convenience of the Public in relation thereto.

Page 5.

Line 9. After ("inquire") insert ("in such Manner and to such "Extent as shall appear to them sufficient")

Line 10. After ("and") insert ("to inquire whether the Pro-"moters")

Line 11. Leave out from ("Notice") to the End of the Clause.

Leave out Clause 8. and insert Clause B.

CLAUSE B. The Board of Trade, before settling the Draft of a Certificate, shall take into consideration any Representation made to them, and shall duly inquire into the Merits of any Objection brought before them respecting the Application.

Line 19. After (" Opposition ") insert (" of Railway or Canal " Company "), and leave out (" proposed ")

Line 27. After (" Trade ") insert (" if in their Opinion the Rail- " way or Canal Company lodging the Notice would be affected in " any way by the proposed Undertaking ")

Line 29. Leave out (" a Notice of Opposition is lodged "), and after (" Trade ") insert (" do not proceed on the Application, they ")

Line 30. Leave out (" First ") and insert (" Fifteenth "), and leave out (" March ") and insert (" February ")

Line 34. Leave out (" thereupon ")

Line 40. Leave out (" a Notice of Opposition is not lodged, " then on ")

Line 41. After (" Trade ") insert (" proceed on the Application, " then on ")

Page 6.

Line 3. Leave out (" the Board of Trade ") and insert (" they "), and after (" may ") insert (" if they think fit ")

Line 4. Leave out (" Body ")

Line 6. After (" may ") insert (" subject to the Provisions of " this Act ")

Line 7. Leave out (" Restrictions and "), and leave out (" and " such Terms and Conditions ")

Line 9. Leave out from (" Certificate ") to the Second (" and ") in Line 10.

Line 13. Leave out (" Variations as Circumstances require ")and insert (" Provisions as aforesaid ")

Line 17. Leave out (" or ") and insert (" and ")

Line 19. Leave out from (" June ") to the End of the Clause.

Line 26. Leave out from the First (" House ") to (" resolves ") in Line 27.

Line 28. After (" with ") insert (" and in that Case all Contracts " for the Purchase or taking of Lands for the Purposes of the Under- " taking shall cease to be binding on either Party ")

Lines 30. and 31. Leave out (" or extended Period ")

Line 33. Leave out from (" Parliament ") to (" has ") in Line 34.

Line 36. After (" London ") insert (" or ")

Page 7.

Lines 10. and 11. Leave out (" Error or ")

Line 11. Leave out (" or on any other Ground whatever ")

Line 15. Leave out from (" shall ") to (" have ") in Line 16.

Line 19. Leave out (" Body ")

Line 20. Leave out from (" not ") to (" within ") in Line 21.

Line 22. After (" Certificate ") insert (" or within any shorter " Period prescribed therein ")

Page 8.

Line 2. Leave out from ("Copyholds") to the End of the Clause.

Line 16. Leave out ("or otherwise")

Line 32. Leave out from ("Act") to the End of the Clause and insert Clause C.

Clause C. It shall not be lawful for any Company empowered by a Certificate under this Act to issue any Share created under the Authority of the Certificate, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share is paid up in respect thereof.

Line 34. After ("Company") insert ("whether incorporated "by Special Act or by Certificate"), and leave out from ("Certi-"ficate") to ("be") in Line 37. and insert ("to borrow Money "shall as regards the Money so authorized to be borrowed")

Line 38. Leave out ("borrow") and insert ("exercise the said "Powers of borrowing")

Lines 38. and 39. Leave out ("their nominal") and insert ("the "Share")

Page 9.

Line 1. Leave out from ("to") to ("Justice") in Line 3. and insert ("the")

Line 5. After ("or") insert ("(in Scotland) to"), and leave out ("same")

Line 8. After ("that") insert ("Shares for"), and leave out ("nominal")

Lines 8. and 9. Leave out ("has been subscribed for or") and insert ("are issued and accepted, and that not less than One Fifth "Part of the Amount of each separate Share has been paid up on "account thereof before or at the Time of the Issue or Acceptance "thereof, and that all such Shares were")

Line 9. Leave out ("is") and insert ("are"), and after ("by") insert ("the")

Line 14. Leave out ("their nominal") and insert ("the Share")

Page 10.

Line 3. Leave out from ("Railway") to ("and") in Line 6.

Line 16. Leave out ("it shall be the Duty of"), and after ("Trade") insert ("shall")

Line 17. Leave out ("to issue") and insert ("settle a Draft of")

Page 12.

Line 7. Leave out ("Body")

Line 23. Leave out ("Obligors") and insert ("Company or "Persons empowered by the Certificate")

Line 27. Leave out ("Body")

Page 14.

Line 29. Leave out ("Body")

Page 15.

Lines 11. and 12. Leave out ("Body or")

Line 17. Leave out from ("to") to ("every") in Line 18.

Line 20. Leave out ("(as the Case may be)")

Line 23. Leave out from ("the") to ("any") in Line 26. and insert ("Hand and Seal of")

Line 34. Leave out from ("any") to ("One") in Line 35.

Line 36. Leave out ("(as the Case may be)")

Line 39. Leave out ("Members or"), and leave out ("as aforesaid")

Page 16.

Line 31. Leave out from ("Reason") to ("that") in Line 32.

Line 32. After ("should") insert ("not")

Line 33. After ("with") insert ("and in case the Board of " Trade reject any Application, all Contracts for the Purchase or " taking of Lands for the Purposes of the Undertaking shall cease to " be binding on either Party")

Line 35. Leave out ("Body")

Line 38. Leave out from ("before") to ("after") in Line 43. and insert ("or")

Page 17.

Line 6. Leave out from ("Railway)") to the End of the Clause.

Line 21. Leave out ("Bodies")

Line 40. Leave out from ("Certificate") to ("In") in Page 18, Line 3.

Page 18.

Line 8. Leave out from ("Capital") to the End of the Clause.

Line 20.
Line 28. } Leave out ("Body")

Line 29. After ("by") insert ("a further")

Leave out Clause 59.

Page 19.

Line 6.
Line 12. } Leave out ("Body")

Page 20.

Line 6. Leave out ("Month") and insert ("First Day")

Page 21.

Leave out the First Paragraph.

Lines 23. and 24. Leave out ("(or as the Case may be)")

Page 26.

Line 26. Leave out ("shall") and insert ("is to")

Line 40.
Line 44. } Leave out ("Two") and insert ("Three")
Line 47.

Page 27.

Line 16. After ("Trade") insert ("or of bringing before them "any Objection")

Line 37. After ("deposited") insert

(" *Notice to Road Trustees.*

"15 ([a]). Where any Part of a Turnpike Road or public Highway "is intended to be taken or used, or to be diverted or otherwise interferred with, for the Purposes of the Railway, the Promoters, in the "Month of June or November (as the Case may be), in which the "Advertisements are published, are to serve Notice of the Application on the Trustees or other Persons having the Management of "such Road or Highway")

Line 39. After ("Opposition") insert ("by a Railway or Canal "Company")

Page 28.

Line 1. After ("Representation") insert ("or Objection"), and after ("to") insert ("or brought before")

LORDS AMENDMENTS

TO THE

RAILWAYS CONSTRUCTION FACILITIES BILL.

Ordered, by The House of Commons, *to be Printed,*
26 *July* 1864.

[Bill 235.]

Under 1 *oz.*

A

BILL

FOR

Amending and extending the Railways, Ireland, Act, 1851, and the Railways, Ireland, Act, 1860.

Preamble.

WHEREAS it is expedient that the "Railways Act, Ireland, 1851," and the "Railways Act, Ireland, 1860," should be amended and the Provisions thereof extended, as hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Company, if dissatisfied with Award, in Cases exceeding 200*l.*, may traverse.

1. In all Cases where the Amount of Money which the Arbitrator appointed under the Provisions of the said Acts, or either of them, shall have awarded to be paid by the Company to any Person in respect of any Estate or Interest in Lands shall exceed the Sum of Two hundred Pounds it shall be lawful for the Company, if dissatisfied with such Award, upon giving to such Person within *Ten Days* next after the Date of such Award Notice in Writing of their Intention to appeal therefrom, to have a Traverse entered by the Company in the Crown Book in respect of such Award, at the same Time and in like Manner in all respects as are provided by the aforesaid Acts with respect to Traverses taken by Persons dissatisfied with any Award, and the like Proceedings shall be taken with respect to a Traverse so taken by the Company, and the Verdict of the Jury upon such Traverse shall have the like Effect as in the Case of a Traverse taken by a Person so dissatisfied: Provided always, that in all Cases where a Traverse shall be so taken by the Company the Costs, Charges, and Expenses of the Trial of such Traverse shall be borne by the Company, and the Sum to be allowed as such Costs, Charges, and Expenses shall be fixed by the Judge who shall try such Traverse, and if the Verdict of the Jury be given for the same or a greater Sum than the Sum awarded by the Arbitrator, the Sum so to be allowed shall not exceed Thirty Pounds, and if the Verdict of the Jury be given for a less Sum than the Sum awarded by the Arbitrator, the Sum so to be allowed shall not exceed Twenty Pounds.

Power to have Special Jury.

2. In all Cases of Traverse taken upon an Award of the Arbitrator, the Company or Person Appellant shall be entitled to have the same tried by a Special Jury upon giving Notice in Writing to the Respondent in such Traverse of their or his Intention that the same shall be so tried *Ten Days* previous to the Assizes or Term respectively (as the Case may be), and the Respondent in such Traverse shall be so entitled upon giving the like Notice *Six Days* before the said Assizes or Term: Provided that any Judge of any of the Superior Courts sitting in Chamber or at Nisi Prius may at any Time order that such Traverse shall be tried by a Special Jury upon such Terms as he may think fit.

Notice to be given to the Sheriff of Special Jury.

3. Where Notice has been given to try by Special Jury either Party may, *Six Days* before the First Day of the Assizes or of the Term, as the Case may be, give Notice to the Sheriff that such Action is to be tried by a Special Jury; and in case no such Notice has been given, or the Notice has not been given in sufficient Time, no Special Jury need be summoned to attend, and such Traverse shall be tried before a Common Jury unless otherwise ordered by the Judge before whom the same shall be tried.

Either Party entitled to have a View.

4. Either Party to such Traverse shall be entitled to have the Premises viewed by the Jury, and for that Purpose it shall be sufficient to obtain an Order of any such Judge as aforesaid directing a View to be had, and thereupon all such Proceedings shall be had as are directed by the "Common Law Procedure Amendment Act, Ireland, 1853," Section 116, with respect to View Juries.

Either Party may appeal from Ruling of Judge.

5. In case either Party shall be dissatisfied at the Trial of such Traverse with the Ruling of the Judge upon any Matter of Law, he shall be entitled to appeal from such Ruling in the Manner herein contained.

The Party objecting shall deliver to the Judge a Note in Writing, stating Objection, and Grounds thereof.

6. The Party so objecting shall deliver to the Judge at the Time of such Trial a Note in Writing, stating such Objection and the Grounds thereof, and shall and may prepare a Case, stating the Facts and Matters appearing in Evidence so far as may be necessary, and the Ruling of the Judge, and the Objections to such Ruling, and such Case may be accompanied by an Appendix containing Copies of the material Documents; and all Proceedings shall be taken with respect to the Settlement of such Case, and within the same Period as are taken in Ireland with respect to Bills of Exceptions to the Direction of a Judge at Nisi Prius.

Special Case, when settled and signed by the Judge, to be filed.

7. Such Special Case and the Appendix thereto, when settled and signed by the said Judge, shall be filed in such One of the Superior Courts as the said Judge shall direct, and such Court shall proceed to adjudicate on the same in like Manner as upon a Special Case stated under the said Common Law Procedure Act, and the Adjudication of such Court shall be final.

Court may direct an Issue or other Inquiry.

8. It shall be lawful for such Court, upon the Hearing of such Special Case, to direct any Issue to be tried, or any Valuation or other Inquiry to be made, or the said Case to be amended in any way, or other Act to be done, which such Court may deem proper, in order finally to adjudicate upon and determine the Rights of the Parties.

Judgment upon Special Case to be equivalent to a Judgment of the Court.

9. The Judgment or Order of the said Court upon such Special Case shall be equivalent to a Judgment of the said Court in a personal Action between the Parties.

Costs of Appeal to be paid by Company where Appellants.

10. In all Cases where the Company shall take any Proceedings by way of Appeal as aforesaid the Costs thereof shall be ordered to be paid by them; but in Cases where the Company shall be Respondent in such Appeal the Costs of such Proceedings shall follow the Event and be included in the ultimate Judgment of the Court of Appeal.

As to Compensation in respect of Lands temporarily occupied.

11. The Amount of the Purchase Money or other Compensation payable by the Company in respect of Lands temporarily occupied by them during the Construction of the Works, in case the Parties shall differ about the same, shall be determined in manner following:

The Person claiming such Purchase Money or Compensation shall deliver to the Arbitrator a short Statement in Writing, setting forth the Nature and Amount of such Claim, and shall also and at the same Time deliver to the Company a Copy of the same; and the like Proceedings in all respects shall be had with respect to such Claim as are by the aforesaid Acts or by this Act directed to be taken with respect to a Claim for Compensation for Lands taken or injuriously affected by the Execution of the Works; and the Arbitrator shall have full Jurisdiction to entertain such Claim, and determine the Amount payable in respect thereof, although the Lands so temporarily occupied may not be contained in the Maps and Plans deposited with him; and the said Arbitrator may include the Amount so ascertained by him as last aforesaid in his general Award, or may make a special Award in relation to the same in case it shall be necessary or convenient so to do, such special Award to be made in the like Manner, and to be subject to the like Provisions in all respects as such general Award; and all the Enactments expressly, or by reference or Incorporation, contained in the said Acts or in this Act with respect to Purchase Money or Compensation ascertained by the Award of the Arbitrator in respect of Lands permanently taken by the Company shall be applicable to the Purchase Money or Compensation ascertained as aforesaid by the Arbitrator in respect of Lands so temporarily occupied as aforesaid.

Taxation of Costs.

12. In all Cases where Costs of Conveyances shall be payable by the Company such Costs shall be taxed by One of the Taxing Masters of the Court of Chancery in Ireland upon the Requisition of such Company; and all the Provisions of any Act of Parliament, and all Rules and Regulations of the Courts of Law and Equity in Ireland relating to the Taxation of Costs shall be deemed applicable to such Costs so payable by the Company in like Manner in all respects as if the said Company were directly chargeable therewith.

Construction of Term "Company."

13. In the Construction of the Railways Act (Ireland) 1851, and of the Railways Act (Ireland) 1860, and of this Act, the Expression "Company" shall include any Parties, whether Company, Undertakers, Commissioners, Drainage Board, Corporation, or private Persons, empowered to execute any Work or Undertaking, and to take or use any Lands, Mills, or other Hereditaments compulsorily under the Provisions of any General or Special Act of Parliament, already or hereafter incorporating the said recited Acts and this Act or any or either of such Acts.

14. The Railways Act (Ireland) 1851, and the Railways Act (Ireland) 1860, and this Act, shall be construed together as One Act; and this Act, together with the said Acts, shall be held to be incorporated with those Acts in any Act already or hereafter incorporating those Acts, or either of them.

This Act, and recited Acts of 1851 and 1860, to be read together.

15. This Act may be cited as the Railways Act (Ireland) 1864.

Short Title of this Act.

Railways (Ireland) Acts Amendment.

A

B I L L

FOR

Amending and extending the Railways, Ireland, Act, 1851, and the Railways, Ireland, Act, 1860.

(*Prepared and brought in by*
Mr. Peel and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
9 *May* 1864.

[Bill 99.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Amending and extending the Railways, Ireland, Act, 1851, and the Railways, Ireland, Act, 1860.

WHEREAS it is expedient that the "Railways Act, Ireland, 1851," and the "Railways Act, Ireland, 1860," should be amended and the Provisions thereof extended, as hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. In all Cases where the Amount of Money which the Arbitrator appointed under the Provisions of the said Acts, or either of them, shall have awarded to be paid by the Company to any Person in respect of any Estate or Interest in Lands shall exceed the Sum of Five hundred Pounds it shall be lawful for the Company, if dissatisfied with such Award, upon giving to such Person within Ten Days next after the Date of such Award Notice in Writing of their Intention to appeal therefrom, to have a Traverse entered by the Company in the Crown Book in respect of such Award, at the same Time and in like Manner in all respects as are provided by the

The Company, if dissatisfied with Award, in Cases exceeding 500*l.*, may traverse.

the aforesaid Acts with respect to Traverses taken by Persons dissatisfied with any Award, and the like Proceedings shall be taken with respect to a Traverse so taken by the Company, and the Verdict of the Jury upon such Traverse shall have the like Effect as in the Case of a Traverse taken by a Person so dissatisfied: Provided always, that in all Cases where a Traverse shall be so taken by the Company, and if the Verdict of the Jury shall be for a Sum not exceeding that awarded by the Arbitrator, the Company shall nevertheless pay to the Traverser such Sum not exceeding Twenty Pounds for the Costs of such Traverse as the Judge before whom the same is tried shall direct; and in case the Verdict of the Jury shall be for a Sum exceeding the Award of the Arbitrator, then and in that Case the Company shall pay the Traverser the Costs of the Traverse, such Costs to be taxed and ascertained in the same Manner as Costs are by Law ascertained on the Trial of an Issue from the Court of Queen's Bench.

Power to have Special Jury.

2. In all Cases of Traverse taken upon an Award of the Arbitrator, the Company or Person Appellant shall be entitled to have the same tried by a Special Jury upon giving Notice in Writing to the Respondent in such Traverse of their or his Intention that the same shall be so tried Ten Days previous to the Assizes or Term respectively (as the Case may be), and the Respondent in such Traverse shall be so entitled upon giving the like Notice Six Days before the said Assizes or Term: Provided that any Judge of any of the Superior Courts sitting in Chamber or at Nisi Prius may at any Time order that such Traverse shall be tried by a Special Jury upon such Terms as he may think fit.

Notice to be given to the Sheriff of Special Jury.

3. Where Notice has been given to try by Special Jury either Party may, Six Days before the First Day of the Assizes or of the Term, as the Case may be, give Notice to the Sheriff that such Action is to be tried by a Special Jury; and in case no such Notice has been given, or the Notice has not been given in sufficient Time, no Special Jury need be summoned to attend, and such Traverse shall be tried before a Common Jury unless otherwise ordered by the Judge before whom the same shall be tried.

Either Party entitled to have a View.

4. Either Party to such Traverse shall be entitled to have the Premises viewed by the Jury, and for that Purpose it shall be sufficient to obtain an Order of any such Judge as aforesaid directing a View to be had, and thereupon all such Proceedings shall be had as are directed by the "Common Law Procedure Amendment Act, Ireland, 1853," Section 116, with respect to View Juries.

5. In case either Party shall be dissatisfied at the Trial of such Traverse with the Ruling of the Judge upon any Matter of Law, he shall be entitled to appeal from such Ruling in the Manner herein contained.

Either Party may appeal from Ruling of Judge.

6. The Party so objecting shall deliver to the Judge at the Time of such Trial a Note in Writing, stating such Objection and the Grounds thereof, and shall and may prepare a Case, stating the Facts and Matters appearing in Evidence so far as may be necessary, and the Ruling of the Judge, and the Objections to such Ruling, and such Case may be accompanied by an Appendix containing Copies of the material Documents; and all Proceedings shall be taken with respect to the Settlement of such Case, and within the same Period as are taken in Ireland with respect to Bills of Exceptions to the Direction of a Judge at Nisi Prius.

The Party objecting shall deliver to the Judge a Note in Writing, stating Objection, and Grounds thereof.

7. Such Special Case and the Appendix thereto, when settled and signed by the said Judge, shall be filed in such One of the Superior Courts as the said Judge shall direct, and such Court shall proceed to adjudicate on the same in like Manner as upon a Special Case stated under the said Common Law Procedure Act, and the Adjudication of such Court shall be final.

Special Case, when settled and signed by the Judge, to be filed.

8. It shall be lawful for such Court, upon the Hearing of such Special Case, to direct any Issue to be tried, or any Valuation or other Inquiry to be made, or the said Case to be amended in any way, or other Act to be done, which such Court may deem proper, in order finally to adjudicate upon and determine the Rights of the Parties.

Court may direct an Issue or other Inquiry.

9. The Judgment or Order of the said Court upon such Special Case shall be equivalent to a Judgment of the said Court in a personal Action between the Parties.

Judgment upon Special Case to be equivalent to a Judgment of the Court.

10. In all Cases where the Company shall take any Proceedings by way of Appeal as aforesaid the Costs thereof shall be ordered to be paid by them; but in Cases where the Company shall be Respondent in such Appeal the Costs of such Proceedings shall follow the Event and be included in the ultimate Judgment of the Court of Appeal.

Costs of Appeal to be paid by Company where Appellants.

11. The Amount of the Purchase Money or other Compensation payable by the Company in respect of Lands temporarily occupied by them during the Construction of the Works, in case the Parties shall

As to Compensation in respect of Lands temporarily occupied.

shall differ about the same, shall be determined in manner following: The Person claiming such Purchase Money or Compensation shall deliver to the Arbitrator a short Statement in Writing, setting forth the Nature and Amount of such Claim, and shall also and at the same Time deliver to the Company a Copy of the same; and the like Proceedings in all respects shall be had with respect to such Claim as are by the aforesaid Acts or by this Act directed to be taken with respect to a Claim for Compensation for Lands taken or injuriously affected by the Execution of the Works; and the Arbitrator shall have full Jurisdiction to entertain such Claim, and determine the Amount payable in respect thereof, although the Lands so temporarily occupied may not be contained in the Maps and Plans deposited with him; and the said Arbitrator may include the Amount so ascertained by him as last aforesaid in his general Award, or may make a special Award in relation to the same in case it shall be necessary or convenient so to do, such special Award to be made in the like Manner, and to be subject to the like Provisions in all respects as such general Award; and all the Enactments expressly, or by reference or Incorporation, contained in the said Acts or in this Act with respect to Purchase Money or Compensation ascertained by the Award of the Arbitrator in respect of Lands permanently taken by the Company shall be applicable to the Purchase Money or Compensation ascertained as aforesaid by the Arbitrator in respect of Lands so temporarily occupied as aforesaid.

Taxation of Costs.

12. In all Cases where Costs of Conveyances shall be payable by the Company such Costs shall be taxed by One of the Taxing Masters of the Court of Chancery in Ireland upon the Requisition of such Company; and all the Provisions of any Act of Parliament, and all Rules and Regulations of the Courts of Law and Equity in Ireland relating to the Taxation of Costs shall be deemed applicable to such Costs so payable by the Company in like Manner in all respects as if the said Company were directly chargeable therewith.

Construction of Term "Company."

13. In the Construction of the Railways Act (Ireland) 1851, and of the Railways Act (Ireland) 1860, and of this Act, the Expression "Company" shall include any Parties, whether Company, Undertakers, Commissioners, Drainage Board, Corporation, or private Persons, empowered to execute any Work or Undertaking, and to take or use any Lands, Mills, or other Hereditaments compulsorily under the Provisions of any General or Special Act of Parliament, already or hereafter incorporating the said recited Acts and this Act or any or either of such Acts.

14. Every

Within Five Years after the opening of a Railway, the Company may be called upon to make certain Accommodation Works, and, if so, the Matter shall be referred to an Arbitrator.

14. Every Railway Company in Ireland shall cause proper Fences to be made and maintained for separating the Land taken for the Use of the Railway from the adjoining Lands not taken, and shall also provide and maintain proper Drains or other Passages either over or under or by the Sides of the Railway to convey Water from or to the Lands lying near or affected by the Railway, in the same Manner and to the same Extent as it was conveyed from or to the said Lands before the making of the Railway, or as near thereto as the Case may be; and in case any Owner or Occupier of such Land shall complain of the Want of or Insufficiency of any such Fences, Drains, or Passages, it shall be lawful for such Owner or Occupier, within Five Years after the Completion of the Works of any Railway and the opening of the Railway for public Use, to present a Memorial to the Commissioners of Public Works in Ireland stating the Ground of his Complaint, and thereupon the Commissioners shall inquire into the Matter of such Complaint, and, if they shall so think fit, the said Commissioners shall appoint an Arbitrator to hear and determine the Matter of the said Complaint.

The Arbitrator shall have all the Powers of an Arbitrator appointed under the Railways (Ireland) Acts, 1851 and 1860.

15. The Arbitrator so appointed shall have and exercise all the Powers vested in any Arbitrator appointed under the "Railways (Ireland) Acts, 1851 and 1860," and shall proceed to investigate the said Complaint at some convenient Place to be named by the said Commissioners of Public Works, after giving Ten Days Notice of the Time and Place of Meeting to the Memorialists and to the Railway Company, and his Award may be traversed in the same Manner as any Award made by an Arbitrator appointed under the "Railways (Ireland) Acts, 1851 and 1860," and if not traversed shall be final; and the Costs of the said Arbitration and of the said Arbitrator shall be paid in the same Manner as the Costs of an Arbitration or Arbitrator under the "Railways (Ireland) Acts, 1851 and 1860."

The Company shall obey the Award of the Arbitrator, except in certain Cases.

16. The Company shall make all such Fences, Drains, and Passages as by the Award of the said Arbitrator they shall be directed to make; but no Company shall be required to make the same in such a Manner as will prevent or obstruct the working or using of the Railway, nor shall they be required to make any Fence, Drain, or Passage in respect of which the Owner and Occupier, or any former Owner and Occupier, shall have agreed to receive and shall have been paid Compensation in lieu of the making of the Works themselves.

This Act, and recited Acts of 1851 and 1860, to be read together.

17. The Railways Act (Ireland) 1851, and the Railways Act (Ireland) 1860, and this Act, shall be construed together as One Act; and this Act, together with the said Acts, shall be held to be incorporated with those Acts in any Act already or hereafter incorporating those Acts, or either of them.

Short Title of this Act.

18. This Act may be cited as the Railways Act (Ireland), 1864.

Railways (Ireland) Acts Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

For amending and extending the Railways, Ireland, Act, 1851, and the Railways, Ireland, Act, 1860.

(Prepared and brought in by Mr. Peel and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed*, 24 *June* 1864.

[Bill 173.]

Under 1 *oz.*

15 *March* 1864. 27 Vict.

(Ireland.)

A

BILL

TO

Amend the Laws which regulate the Registration of Parliamentary Voters in Counties in Ireland.

WHEREAS an Act was passed in the Twenty-fifth and Twenty-sixth Years of the Reign of Her Majesty, intituled "An Act to amend the Law relating to the "Duration of contested Elections for Counties in Ireland, and for "establishing additional Places for taking the Poll thereat," whereby (amongst other Matters) it is enacted, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by and with the Advice of the Privy Council in Ireland, from Time to Time thereafter, on Petition from the Justices of any County or Riding in Ireland in Quarter Sessions assembled, representing that the Polling Places for such County or Riding are insufficient in Number or inconveniently situated, and praying that the Place or Places mentioned in the said Petition may be a Polling Place or Polling Places for the County or Riding within which such Place or Places is or are situate, or may be discontinued as such Polling Place or Places, and that a Barony or Baronies, Half Barony or Half Baronies, or any Portion thereof respectively, in such Petition mentioned, may constitute a District

25 & 26 Vict. c. 62.

for polling at a Polling Place in such Petition mentioned (anything in an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her Majesty, intituled "An Act to shorten the Duration "of Elections in Ireland, and for establishing additional Places for "taking the Poll thereat," providing that a Barony or Half Barony shall not be divided, to the contrary notwithstanding), or praying that any Polling District or Districts may be altered, and that any Barony or Half Barony, or any Portion thereof respectively, may be detached from any such Polling District, and be annexed to any other Polling District, as the Case may be, to declare that any Place or Places mentioned in the said Petition shall be a Polling Place or Polling Places for that County or Riding, or shall be discontinued as such Polling Place or Places, and that the Barony or Baronies, Half Barony or Half Baronies, or any Portion thereof respectively, in such Petition mentioned, shall constitute a District for polling at such Polling Place, and that the other Polling Districts of the said County or Riding shall be altered accordingly, or to declare that any Polling District or Districts shall be altered, and that any Barony or Half Barony, or Portion thereof respectively, shall be detached from any such Polling District, and be annexed to any other Polling District: And whereas it is expedient to provide for the Formation of separate Lists of Voters in the Polling District or Polling Districts which may be constituted under the said Act, and also to provide for the Formation of the Lists of Voters that may be detached from any Polling District, and annexed to any other Polling District, pursuant to the Provisions thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duty of the Clerk of the Peace as to additional Polling Places created under the said Act.

1. From and after *the passing of this Act*, when any Declaration or Order for creating any additional Polling Place or Polling Places, and the Polling District or Polling Districts for the same, or for discontinuing or altering any Polling District or Districts, shall be made for any County, and published in the Dublin Gazette, pursuant to the Provisions of the said recited Act, the Clerk of the Peace for such County, when delivering or causing to be delivered, next after such Publication, the Precept or Precepts which such Clerk of the Peace is now required by Law to deliver or cause to be delivered to the Clerk of every Poor Law Union situate wholly or in part within his County, shall at the same Time, and together with the said Precept or Precepts, deliver or cause to be delivered to the Clerk of every Poor Law Union his additional Precept, according to the Form (numbered 1.) in the Schedule (A.) to this

Act annexed, or to the like Effect, and also One or more Copies of such Parts of the Lists of registered Voters then in force for such County as shall relate to the Barony or Baronies, Half Barony or Half Baronies within such Union, from or out of which a Polling District or Polling Districts have been constituted under the said recited Act, and also such Parts of the said Lists as shall relate to any Barony or Half Barony within such Union any Portion whereof shall have been detached from any Polling District, and annexed to any other Polling District, pursuant to the said recited Act.

Duty of the Clerk of the Peace as to new or altered Polling Districts.

2. Such Clerk of the Peace shall, together with such additional Precept, at the same Time also make and cause to be delivered to the Clerk of such Poor Law Union One or more of the Forms (numbered 2, 3.) contained in the said Schedule (A.), specifying the Portion or Portions of such Barony or Baronies, Half Barony or Half Baronies, whereof such Polling District or Polling Districts is or are constituted, as specified or declared in the Declaration or Order certified under the Hand of the Clerk of the Privy Council, and published in the Dublin Gazette, pursuant to the said recited Act, and also the Barony or Half Barony, Baronies or Half Baronies, any Portion or Portions whereof respectively may have been detached from any Polling District or Polling Districts, and annexed to any other Polling District or Polling Districts, as declared, certified, and published as aforesaid; and thereupon such Clerk of the Poor Law Union, after due Inquiry, which he is required to make, with the Assistance of the respective Collector or Collectors of Poor Rates for such respective Barony or Baronies or Divisions thereof out of which such Polling District or Polling Districts may be constituted, or from which any Portion or Portions thereof have been detached or annexed as aforesaid, shall and he is hereby required, in addition to what he is now required by Law to do, to write in the Margin opposite the Name of each Person on the copy List of registered Voters the Name of the Half Barony, Parish, Townland, and Parish, Part of Parish and Barony, respectively, or other Division out of which, in respect of Lands, Tenements, or Hereditaments therein, such Person's Name is on the List of registered Voters, if such Half Barony, Parish, Townland, Part of Parish, Part of Townland and Parish, or other Division constitute such Polling District or Polling Districts or any Part thereof, or form any Portion of a Polling District detached from and annexed to any other Polling District; and such Clerk of the Poor Law Union shall in like Manner, upon every Supplemental List or Supplemental Lists of Persons not appearing on the Copy of the Register of Voters, and which he is now by Law required to transmit

Duty of the Clerk of the Poor Law Union to write on the Margin of the Registry the Name of the Parish or other Division in the Polling District in respect of Property wherein the Name of the Voter is on the List;

and also on the Supplemental Lists.

transmit to the Clerk of the Peace, write in the Margin of such Supplemental List or Supplemental Lists opposite the Names respectively of the Persons transmitted to such Clerk of the Peace the Name of the Half Barony, Parish, Townland, Part of Parish, Part of Townland and Parish, or other Division respectively, as the Case may be, forming any Polling District or Polling Districts or any Part thereof, or forming any Portion of a Polling District detached from and annexed to any other Polling District, if the Name of such Person shall have been inserted in such Supplemental List or Lists as the Occupier of Lands, Tenements, or Hereditaments in such Polling District or Districts, or in any Part thereof, or as the Occupier of Lands, Tenements, or Hereditaments in any Portion of a Polling District detached from and annexed to any other Polling District; and such Copies of the Register of Voters, and Supplemental List or Supplemental Lists, with all such marginal Additions as aforesaid, signed by such respective Clerk of the Union, shall be the Copies and Lists to be verified for such Polling Districts as aforesaid by such Clerk of the Union, and returned to the Clerk of the Peace, and shall be so verified pursuant to the Provisions of an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her Majesty, intituled "An Act to amend the Laws "which regulate the Qualification and Registration of Parliamentary Voters in Ireland, and to alter the Law for rating immediate "Lessors of Premises to the Poor Rate in certain Boroughs," and shall be returned to such Clerk of the Peace within the Time in that Behalf in the said last-recited Act specified.

13 & 14 Vict. c. 69.

Notice of Claims to vote under 13 & 14 Vict. c. 69. to be given by the Clerks of the Peace.

3. And whereas by the said last-recited Act it is enacted, that the Clerk of the Peace of every County shall, on or before the Twenty-second Day of July in every Year after One thousand eight hundred and fifty-one, publish in each Barony a Notice according to the Form (numbered 8.) contained in the Schedule (A.) to that Act annexed, having first signed the same, requiring all Persons entitled to vote in the Election of a Knight or Knights of the Shire to serve in Parliament in respect of Property wholly or in part in each Barony, who shall not be upon the Register for such Barony of Voters then in force, and shall not be on the Supplemental List for such Barony, and all Persons so entitled to vote as aforesaid who being upon such Register shall not retain the same Qualification or continue in the same Place of Abode as described in such Register, and who are desirous to have their Names inserted in the Register about to be made, to give or send to the Clerk of the Peace at his Office, on or before the Fourth of August then next ensuing, a Notice in Writing by them signed of their Claims to vote as aforesaid, and which Notice is required to be according to the Form of Notice set forth in that Behalf in the Form (numbered 9.) contained in the said Schedule (A.) to that Act annexed, or to the like Effect: And whereas the said Notice (numbered 8.) and Form (numbered 9.) in the said Schedule (A.) are only applicable to Persons entitled to vote or claiming to be entitled to vote in respect of Property situate wholly or in part within any Barony in a County in which the Provisions aforesaid of the said first-recited Act have not been in force, and it is expedient to amend the same so as to make Notices and Forms to the like Effect applicable to Persons entitled to vote or claiming to be entitled to vote in respect of Property situate wholly or in part within any Polling District in any County constituted under the said first-recited Act, or in any Portion of a Barony or Half Barony detached from and annexed to any other Polling District, pursuant to the said first-recited Act: Be it therefore enacted, That after any Polling District shall be constituted, or any Portion of a Barony or Half Barony shall be detached from any Polling District, and annexed to any other Polling District, pursuant to the said first-recited Act, in any County, the Clerk of the Peace of such County shall and he is hereby required, in the Notice as to Claims to vote to be given by him as aforesaid in the said Form (numbered 8.) in the said Schedule (A.), after the Words "in respect of any Property situate wholly or in part "within any Barony of this County," to add the Words "or in "respect of any Property situate wholly or in part within any "Half Barony or Polling District, or in any Portion of a Barony "or Half Barony detached from any Polling District and annexed "to any other Polling District," as the Case may be, and after the Words "such Barony" to add the Words "or Polling District;" and the said Notice of Claim to be given to the Clerk of the Peace shall be in the Form (numbered 4.) in the said Schedule (A.) to this Act annexed, or to the like Effect; and the Form for said Notice should be annexed to the said Notice given by the Clerk of the Peace: Provided always, that the Omission to serve such Notice by the Claimant, if otherwise a Notice in his Behalf be served pursuant to the said Form (No. 9.), shall not deprive such Claimant of his Right to be inserted in the List of Voters for such Half Barony or Polling District, or annexed Polling District, as the Case may be, if otherwise entitled thereto; but in all such Cases, upon the Revision of the Lists of Voters for such County, and upon Evidence given before the Assistant Barrister that such Claimant is entitled to have his Name inserted on the List of Voters in respect of Property situate wholly or in part within such Polling District, or within any Portion of a Barony or Half Barony detached from any Polling District, and annexed to any

How Notices of Claims to vote are to be given by the Clerk of the Peace under this Act.

Form of Notice by Claimant under this Act.

Omission to serve Notice by Claimant in the Form under this Act not to deprive him of his Right to be inserted on the List.

any other Polling District, the Assistant Barrister shall and he is hereby required to insert the Name of such Claimant in the List of Voters for such Polling District or annexed Polling District, as the Case may be, and in respect of the Property of such Claimant therein.

Notices of Objection, and Lists of Persons objected to, shall be given under this Act.

4. All Notices of Objection required to be given to the Clerk of the Peace for such County, and Notices of Objection to be given to Parties objected to by any Person other than the Clerk of the Peace or Clerk of the Union, and Lists of Persons objected to required to be published by the Clerk of the Peace pursuant to the said last-recited Act, shall also be made, given, and published whenever the said first-recited Act shall have come into effect as aforesaid in any County, inserting in such Notices and Lists, instead of the Words Barony, the Name of the Half Barony, Polling District, or other Division in the Lists whereof the Name of the Person objected to is inserted or claims to be inserted; and the Provisions of the said last-recited Act, and the Schedule (A.), Nos. 10–15, annexed thereto, with respect to the Clerk of the Union's Supplemental List of the Occupiers of Lands, Tenements, or Hereditaments situate in a Barony, and with respect to the Clerk of the Peace's Lists of Persons claiming to be entitled to vote in respect of Property situate wholly or in part within a Barony, shall also apply to such Occupiers or Persons claiming in respect of Property situate wholly or in part within such Half Barony, Polling District, or other Division as aforesaid, inserting in such Lists, instead of the Barony, the Name of the Half Barony, Polling District, or other Division as aforesaid.

Clerks of the Peace shall prepare Alphabetical Lists of Voters in each Polling District.

5. The Clerk of the Peace in such County as aforesaid, upon the Transmission to him next after this Act shall come into operation in any such County of the Copies of the Register for the several Baronies therein by the several Clerks of the Poor Law Unions wholly or in part within said County, and Supplemental Lists with such marginal Observations thereon as aforesaid, shall from such Copies and Lists, and within the Time now prescribed by Law for the making and Publication of Alphabetical Lists of Claimants, make out, according to the Form (numbered 5.), and pursuant to the Directions in the said Schedule (A.) to this Act annexed, an Alphabetical List for each Polling District or other Division into which such County or a Part thereof may have been divided, pursuant to such first-recited Act, and Declaration or Order of the Privy Council made thereon, of all Persons entitled to vote in respect of Property in such Polling District or other Division; and all such Lists shall be made, printed, and published in the like

Manner and subject to the like Provisions as now relate to the Lists of Voters or Claimants for each Barony in any County in which the said first-recited Act has not come into force as aforesaid, except as herein provided.

Such Alphabetical Lists to be the Lists of Voters in such Polling District for the Purposes herein-after mentioned.

6. Such Alphabetical List and such List of Claimants, if any, as aforesaid, for every Polling District or other Division as aforesaid, with the marginal Additions, if any, thereon, except such marginal Additions as by this Act are required to be inserted in the Copies of the Register for the several Baronies and Supplemental Lists by the Clerks of the Poor Law Unions as aforesaid, shall be deemed to be the List of Voters of such Half Barony, Polling District, or other Division into which such County may have been divided as aforesaid, for the Purposes in the said last-recited Act and herein-after mentioned.

Lists of Voters to be revised by the Assistant Barrister for each Polling District in like Manner as provided by the 13 & 14 Vict. c. 69.

7. The Assistant Barrister of every County in which after the *passing of this Act* the said Act first recited shall come into force as aforesaid shall at the next Court of Revision for the Registry of Voters in the said County duly revise such Lists of Voters and Lists of Claimants in respect of Property in such Polling District or other Division, as the Case may be, and adjudicate thereon and upon all Objections thereto, in like Manner, and with all the like Power, Authority, and Jurisdiction, to all Intents and Purposes, and subject to the same Right of Appeal, as already provided by the said last-recited Act with respect to the Revision of the Lists of the several Baronies in such County, and the Registry of Voters in the said County, and the several Lists of Claimants and of Persons objected thereto: Provided always, that if upon any Revision to be holden under this Act it should appear to the Satisfaction of such Assistant Barrister that the Name of any Person otherwise entitled to vote in such County remained in any Baronial List, and which ought to have been inserted, pursuant to the Provisions of this Act, in the List of the Polling District or other Division as aforesaid, or was erroneously inserted in one Polling District or Division instead of another, such Assistant Barrister shall thereupon expunge such Name from such Baronial List or Polling District or Division, and insert the same in the List of the Polling District or other Division in respect of Property wherein the Name of such Person had been originally placed in such Baronial List.

Power of the Assistant Barrister to amend Mistakes in the Lists.

Separate Lists of the Polling Districts to be numbered, arranged, and printed.

8. After the Transmission of the Lists of Voters for the said County by the Assistant Barrister, signed by him, to the Clerk of the Peace, the said Clerk of the Peace shall, in like Manner, and subject to the like Provisions as provided by the said Act with respect to Baronial Lists, cause the said Lists for such Half Barony Polling District or other Division to be printed in a Book or Books, numbered and arranged, with the Names in each Polling District or other Division, in strict Alphabetical Order, and in such Manner and Form that the List of Voters for each and every separate Polling District or other Division contained therein may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, in the same Manner and for the same Purposes as the Lists of Voters for separate Baronies are printed and arranged under the said last-mentioned Act; and such separate Lists shall be intituled according to the Forms (Nos. 6, 7, 8.) in the said Schedule (A.) to this Act annexed, and indorsed with the Name of the Polling District and Polling Place therein according to the Form No. 9. in the said Schedule, and the same shall be delivered to the Sheriff of the County, signed by the said Clerk of the Peace, within the Time and for the Purposes in the said last-mentioned Act expressed.

How to be endorsed.

When new Polling Districts have been formed, or former Polling Districts altered, before this Act, under 25 & 26 Vict. c. 62., Clerk of the Peace to send a Copy of the present Register of Voters to each Clerk of Poor Law Unions in the District.

9. And whereas before the passing of this Act, and after the said Act of the Twenty-fifth and Twenty-sixth Years of the Reign of Her Majesty was passed, additional Polling Districts have been constituted, and other Polling Districts or Parts of Polling Districts have been altered or discontinued, in certain Counties in Ireland, in pursuance of the said Act, and it is expedient that Provision be made for ascertaining the Voters in such new or altered Polling Districts, or for making separate Lists of such Voters, and which Lists are required for the Purpose of voting at the Polling Places appointed for such Districts: Be it therefore enacted, That from and immediately after the *passing of this Act* the Clerk of the Peace in each County in Ireland in which any Polling District has been heretofore constituted or altered under the Provisions of the said Act shall transmit to the Clerk of every Poor Law Union respectively situate wholly or in part within any such Polling District, or within any Barony or Half Barony, or any Portion thereof detached from any former Polling District, and annexed to any other Polling District, Two or more Copies of the present Register of Voters of the Barony or Baronies, Half Barony or Half Baronies, from or out of which such new Polling District has been constituted, or other Polling District altered, with his Precept, according to the Form No. 1. in the Schedule (B.) to this Act annexed, together with One or more of the Forms (numbered 2, 3.) in the Schedule (A.) to this Act annexed, or to the like Effect, and containing the like Particulars as herein-before provided with respect to Polling Districts that may be constituted or altered as aforesaid after the passing of this Act; and thereupon such Clerk of the Poor Law Union

Duty of the Clerk of the Poor Law Union.

Union as aforesaid, after due Inquiry, which he is required to make, with the Assistance of the respective Collector or Collectors of Poor Rates for such respective Barony or Baronies or Divisions thereof out of which such Polling District or Polling Districts have been constituted, or from which any Portion or Portions thereof have been detached or annexed as aforesaid, shall and he is hereby required to write in the Margin opposite the Name of each Person in the Copy List of such registered Voters the Name of the Half Barony, Parish, Townland, and Parish, Part of Parish and Barony, or other Division respectively, out of which in respect of Lands, Tenements, or Hereditaments therein such Person's Name is in the List of registered Voters, if such Half Barony, Parish, Townland, or any Part thereof, or other Division, constitute such Polling District or Polling Districts or any Part thereof, or any Portion of a former Barony or Polling District detached from and annexed to any other Polling District; and such Copy or Copies of registered Voters, with such marginal Additions only as last aforesaid, and no other marginal Additions, shall be verified by such Clerk of the Union, pursuant to the Provisions of the said Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Sixty-nine, and shall be returned to the said Clerk of the Peace within the Space of Ten Days next after the Receipt thereof from such Clerk of the Peace as last aforesaid.

Clerk of the Peace to make out Alphabetical Lists for each Polling District, and print and publish them.

10. The Clerk of the Peace in such County as last aforesaid, upon the Transmission to him of the Copies of the Register of Voters for the several Baronies therein by the several Clerks of the Poor Law Unions wholly or in part within said County, with such marginal Additions as last aforesaid, shall from such Copies, and without any unnecessary Delay, make out, pursuant to the Directions (No. 4.) in the Schedule (B.) to this Act annexed, an Alphabetical List for each Polling District or other Division into which such County or a Part thereof has been divided, pursuant to such first-recited Act, and Declaration or Order of the Privy Council made thereon, of all Persons upon such Register of Voters in respect of Property in such Polling District or other Division; and all such Lists shall thereupon be printed and published in the like Manner and subject to the like Provisions as now relate to Lists of Voters for each Barony in any County in which the said first-recited Act has not come into force, except as herein is provided.

Duty of the Assistant Barrister to revise the Lists.

11. The Assistant Barrister of every such County as last aforesaid shall, at the Sessions of the Peace to be holden in any such County next after the Publication of such Lists and the passing of this Act, duly revise such Lists of Voters so far as they relate to the Arrangement and Classification thereof in such Polling District or Polling Districts or other Divisions, as the Case may be, and adjudicate thereon; and if it appears upon such Revision that the Name of any Voter in such County remained on any Baronial List, and which ought to have been inserted pursuant to the Provisions of this Act in the List of the Polling District or other Division as last aforesaid, or was erroneously inserted in the List of one Polling District or Division instead of another Polling District or Division, such Assistant Barrister shall thereupon expunge such Name from such Baronial or other List, and insert the same in the List of the Polling District or other Division in respect of Property wherein the Name of such Person had been originally placed in such Baronial List: Provided always, it shall not be necessary for such Assistant Barrister to hold any such last-mentioned Court of Revision at the Place or Places in which the List of Voters for the Barony or Half Barony out of which or any Part thereof such new Polling District or other Division had been constituted, but the said Assistant Barrister shall and may hold such Court of Revision at the Sessions of the Peace to be holden in any One or more of the Divisions of the said County, as to the said Assistant Barrister shall seem fit, upon due Notice being given by such Assistant Barrister to the Clerk of the Peace of such County of the Time and Place or Times and Places for holding such Court of Revision *Six Days* at least before the Commencement thereof; and such Notice shall be written or printed, posted, published, and distributed in like Manner as already provided with respect to the Revision of Baronial Lists, or as near thereto as the Circumstances of the Case will admit.

Court of Revision, where to be holden.

Notice of the Time and Place for holding the Court to be given.

Revised Lists to be separately printed and arranged for each Polling District.

12. The said Assistant Barrister shall sign such Lists, when so revised, and transmit the same to the said Clerk of the Peace, who thereupon shall cause the said Lists for such Polling District or other Division to be immediately and separately printed and arranged in a Book or Books, in like Manner as herein-before provided with respect to the Lists of Voters for each and every separate Polling District or other Division that may be constituted after the passing of this Act; and such separate Lists shall be the Lists of Voters for polling at the Polling Places appointed for such Polling Districts or Divisions, and shall be intituled according to the Directions (No. 5.) in the said Schedule (B.) to this Act annexed; and each such List shall be indorsed with the Name of the Polling District and Polling Place thereon, according to the Form (No. 6.) in the said Schedule, and when so printed shall be signed by the said Clerk of the Peace, and delivered without Delay to the Sheriff of the said County, to be safely kept for the Purposes in the said last-recited Act mentioned.

13. When the said Act of the Twenty-fifth and Twenty-sixth Years of Her Majesty shall come into force as aforesaid in any County in Ireland, after the passing of this Act, the Printed Book or Books of the Registry, including the said Printed Book or Books so signed by the Clerk of the Peace and given into the Custody of of the Sheriff of the said County as aforesaid, shall, as regards the First Register to be formed under this Act, be the Register of Persons entitled to vote at any Election of a Member or Members to serve in Parliament which shall take place in and for the same County between the last Day of November in the Year wherein such last-mentioned Act shall so come into force and the First Day of December in the succeeding Year.

The First Register of Voters after the passing of this Act to be the Register between the 30th November next after its Formation and the 1st December in the succeeding Year.

14. After the first Registry in any County or in any Part thereof, under the Provisions of this Act, all future Lists of Voters, and of Persons entitled to or claiming to vote for such new or additional Polling Districts or Divisions in such County or in any Part thereof, shall be made, published, and revised under and in pursuance of the Provisions of the said Act of the Thirteenth and Fourteenth Years of the Reign of Her Majesty aforesaid, or as near thereto as the Circumstances of the Case shall permit, except as herein is excepted.

Future Revisions under 13 & 14 Vict. c. 69.

15. The Clerk of the Peace of every such County shall attend each and every Court of Revision which shall be held in such County under this Act, with all such Lists, Notices, and Returns as he is now required to produce or deliver to such Assistant Barrister for the said County, at the several Courts of Revision holden under the said recited Act, and that may be requisite for the Revision of the Lists or in pursuance of this Act, and according to the respective Polling Districts or other Divisions constituted as aforesaid, and also with all Lists of Claimants and of Persons entitled to vote in respect of Property in the several Polling Districts or other Divisions aforesaid that have been made out and arranged by such Clerk of the Peace, pursuant to the Provisions of this Act; and the Clerks of the several Unions wholly or in part in such County shall attend at the Courts of Revision holden in such County for such Polling Districts or other Divisions aforesaid, wherein their respective Unions or any Part thereof may be situate, and produce all such Books of Rates, Documents, Papers, or Writings in their Possession, Custody, or Power, as they are now by Law required to produce at the Courts of Revision holden under the said Act of the Thirteenth and Fourteenth Years of Her present Majesty, and if required by the said Assistant Barrister shall also produce all Copy Lists or Tables of the Townlands

Duty of the Clerk of the Peace at the Court of Revision.

Clerk of the Poor Law Unions to attend Courts of Revision.

lands and Parishes and Barony or Baronies within their respective Unions as aforesaid, and also all Lists of Valuation and of every Revision thereof which may have been theretofore lodged with such Clerks of Poor Law Unions, or transmitted to them or to the respective Boards of Guardians of such Unions by the Commissioner of Valuation in Ireland, and shall answer upon Oath all such Questions as such Assistant Barrister may put upon them touching any Matter herein mentioned.

Court of Revision to be deemed a Court of Revision under 13 & 14 Vict. c. 69., and a Court of Record.

16. Every Court of Revision to be holden under this Act shall be deemed to be a Court of Revision under the said last-recited Act, and shall be a Court of Record; and the Assistant Barrister before whom such Court shall be held shall have the like Power and Authority to fine the Clerk of the Peace, the Under Sheriff of the County, any Collector of Poor Rates, or Clerk of any Union, respectively, who shall be guilty of any Breach of Duty under or in execution of this Act, any Sum not exceeding *Five Pounds*, to be imposed by and at the Discretion of such Assistant Barrister, such Fines to be paid and appropriated in the like Manner as by the said last-recited Act is provided with respect to such Fines that may be imposed under the Provisions thereof.

Compensation to Clerks of Unions for any additional Duty under this Act.

17. The Guardians of the Poor of each Union, after this Act shall come into operation therein, may, by an Order, make such annual or other Allowance out of the Rates to the Clerk of such Union respectively, as Compensation for the additional Duty hereby imposed upon him, as the said Guardians shall think proper; but no such Order shall be acted upon or any Payment made thereunder until the same shall be approved of by the Poor Law Commissioners, and the Payment sanctioned by them.

Expenses incurred by the Clerk of the Peace in carrying into effect this Act provided for by Presentment.

18. All Expenses incurred or to be incurred by the Clerk of the Peace in any such County as aforesaid in carrying into effect the Provisions of this Act, including all additional Expenses of forming and arranging the separate Lists for the several Polling Districts or other Divisions as aforesaid, and the providing, printing, and publishing thereof, and all other Expenses that may be hereby imposed on such Clerk of the Peace, shall be deemed and are hereby declared to be Expenses incurred by the said Clerk of the Peace under the said Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty; and an Account thereof shall be laid before the next Presentment Sessions of the County after the same shall be incurred, or shall be included in or added to the Account of the Expenses of the Clerk of the Peace which by the said Act are directed to be laid before the next Presentment

Sessions of the County after the same shall have been incurred; and the Grand Jury of such County shall present for the same, or so much thereof as such Presentment Sessions or Grand Jury shall allow to be levied off such County, and to be paid in like Manner as provided by the said Act.

Interpretation of Terms.

19. In this Act and the Schedules annexed hereto, unless there be something in the Subject or Context repugnant to such Construction, the Words "Clerk of the Peace" shall be construed to include the Clerk of the Peace or his Deputy or other Person for the Time being acting for him, and having the Custody of Records relating to the Registry of Parliamentary Voters; the Words "Assistant Barrister" shall apply to and include the Chairman of Quarter Sessions, and also the Chairman of the Sessions of the Peace for the County of Dublin, and his Deputy, or any Barrister duly appointed as Deputy for an Assistant Barrister; the Word "County" shall include a Riding of a County; the Word "Polling District" shall be construed to include any Barony or Half Barony, Parish, Townland, or any Parts or Portions thereof forming such Polling District, and also any Barony or Half Barony, or any Portion thereof respectively, detached from One Barony or Polling District, and annexed to any other Barony or Polling District.

13 & 14 Vict. c. 69. incorporated with this Act.

20. The said Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine, shall be incorporated and construed together with this Act, except so far as same is inconsistent herewith or repugnant hereto.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

PRECEPT OF THE CLERK OF THE PEACE TO THE CLERK OF THE UNION, IN PURSUANCE OF THE PROVISIONS OF THIS ACT.*

[a] The new Polling District.

[b] The Barony or Polling District to which Parishes, &c. are attached.

And in pursuance of the Provisions of the Act of Parliament of the Twenty-seventh and Twenty-eighth Victoria, Chapter (this Act), you are herewith transmitted in the Form (No. 2.) the Name of the Polling District of [a] and the several Parts and Divisions of the said Barony [*or* Baronies, *as the Case may be*,] out of which the said Polling District is constituted; and also in the Form (No. 3.) the Name of the Barony, and the Names of the Portions thereof detached from the Polling District of and annexed to the Polling District of [b] . You shall also, and within the Time aforesaid, after due Inquiry, which you are required to make, with the Assistance of the respective Collectors of Poor Rates (which Assistance such respective Collectors are required to give), upon the Copy of the Register of the said Barony or Division of the Barony included in your Union, write legibly in the Margin of such Copy, and opposite the Names respectively of the Persons in such Copy, the Name of the Half Barony, Parish, Townland, or other Division as named and specified in the said Form (No. 2.) sent herewith, in which Half Barony, Parish, or other Division or Denomination the Property is situate in respect whereof the Names of such Persons respectively appear on such Copy of the Register, and also in like Manner in the Margin of such Copy of the Barony of write legibly opposite the Names respectively of the Persons on such Copy the Name of the Half Barony, Parish, Townland, or other Division [*as the Case may be*], as named and specified in the Form (No. 3.) sent herewith, in which Half Barony, Parish, or other Denomination or Division the Property is situate in respect whereof the Names of such Persons respectively appear on such Copy of the Register; and for the better enabling you to ascertain the Half Barony, Parish, or other Division in which such Property respectively may be situate, you are at liberty to refer to and make use of any Tables or Lists of Valuation and Revisions thereof whereof any

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* The above to follow Precept No. 3. Schedule (A.) to 13 & 14 Vict. c. 69.

Copies or Copy may have been lodged with you or transmitted to the Board of Guardians of your Union by the Commissioner of Valuation in Ireland. You shall also in like Manner, and with the like Assistance and Information, upon the Margin of the supplemental List of Persons not appearing in the Copy of the Register, and to be transmitted to me, write legibly opposite the Names respectively of the Persons on such Lists the Names of the Half Barony, Parish, Townland, or other Division [*as the Case may be*], as named and specified in the Forms (Nos. 2, 3.) aforesaid, in which Half Barony, Parish, or other Division or Denomination the Property is situate in respect whereof the Name of such Persons respectively appear on such Supplemental List; and such Copy Register and Supplemental List, with such marginal Additions, shall be signed, verified, and transmitted to me by you in like Manner and within the Time prescribed pursuant to the Provisions of the said Act of the Thirteenth and Fourteenth Victoria, Chapter Sixty-nine.

No. 2.

County of Polling District of

[State precisely as published in the *Dublin Gazette* (if a Half Barony) the Name of the Half Barony and Parishes or Parts of Parishes or other Denominations therein constituting such new Polling District; or if the Polling District be constituted out of Parts of several Baronies, Townlands, Parishes, or Parts of Parishes respectively, then state them accordingly as]—

The Townland of in the Parish of and Barony of . So much of the Parish of as is situate in the Barony of . The Townlands of in the Parish of and Barony of . The Parishes of in the Barony of [*as the Case may be*].

No. 3.

County of Polling District of .

[State precisely, as published in the *Dublin Gazette*, the Parts or Portions of the Barony or Baronies detached from a former Polling District, and annexed to another Polling District, as thus]—

The Parishes of in the Barony of . So much of the Parish of as is in the Barony of . The Townlands of in the Parish of in the Barony of detached from the Barony of [*or* Polling District of] and annexed to the Barony of [*or* Polling District of , *as the Case may be*].

No. 4.

FORM OF NOTICE OF CLAIM TO BE GIVEN TO THE CLERK OF THE PEACE, PURSUANT TO THIS ACT.

County of Polling District of .

To the Clerk of the Peace for the County of .

I hereby give you notice, That I claim to be inserted in the List for this Polling District of Voters for the County of , and that the Particulars of my Place of Abode and Qualification are stated in the Columns below.

Dated the Day of in the Year .

(Signed) *A.B.*

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature and Amount of Qualification.	Townland or other Denomination, Street, Lane, or other like Place, and Number of House (if any), and the Parish and Barony where the Property is situate in this Polling District, or Name of the Property, and the Name of the occupying Tenant (if any); or if the Qualification consist of a Rentcharge, then the Name of the Owner of the Property out of which such Rentcharge issues, and the Parish and Barony. (But if only certain Townlands in the Parish in which the Property is situate be in the Polling District, then state the Townland, Parish, and Barony in which the Property is situate.)

No. 5.

[The Clerk of the Peace shall, from the Copies of the Register and Supplemental Lists transmitted to him by the Clerks of the respective Unions, select the Names of the Persons entitled to vote in respect of Property in the Polling District, and make out and arrange the Lists in Alphabetical Order, as provided by this Act, for the Purpose of Revision by the Assistant Barrister, omitting in the Margin opposite each Name the Parish, Townland, or or other Division in which the Property is situate, but inserting it in the last Column, and may be thus entitled]—

County of Polling District of .

The List of Persons on the Register of Voters and Clerks of the Union Supplemental List as entitled to vote in the Election of a Knight or Knights of the Shire for the County of in respect of Property situate wholly or in part within the Polling District of .

Margin for entering Clerk of the Peace's Objections.	Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature and Amount of Qualification.	Townland or other Denomination, Street, Lane, or other like Place, and Number of House (if any), and the Parish and Barony where the Property is situate, or Name of the Property and the Name of the occupying Tenant (if any); or if the Qualification consist of a Rentcharge, the Name of the Owner of the Property out of which such Rentcharge issues, and the Parish and Barony. (But if only certain Townlands in the Parish in which the Property is situate be in the Polling District, then state the Townland, Parish, and Barony in which the Property is situate.)

No. 6.

[If the Polling District be a new or additional District formed out of a Part of a Barony or out of Portions of several Baronies it may be intituled thus]—

County of Polling District of .

Copy of the Register (so far as relates to the Polling District of , consisting of

[Here state the several Townlands, Parishes, or other Divisions constituting this Polling District, as declared in the *Dublin Gazette*]

) of Persons entitled to vote at any Election of a Member or Members of Parliament for the County of between 30th Day of November 18 and the last Day of December 18 .

Margin for entering Clerk of the Peace's Objections as to others than Rated Occupiers.	Margin or Column for entering Clerk of the Union's Objections as to Rated Occupiers.	Number prefixed to each Name on the Register.	Christian Name and Surname of each Person on the Register at full Length.	Place of Abode.	Nature of Qualification.	Amount of Qualification or Rating.	Townland or other Denomination, Street, Lane, or other like Place in this Polling District, and Number of House (if any), and the Parish and Barony where the Property is situate, or Name of the Property and the Name of the Tenant (if any); or if the Qualification consist of a Rentcharge, the Name of the Owner of the Property out of which such Rentcharge issues, or one of them, and the Parish and Barony. (But if only certain Townlands in the Parish in which the Property is situate be in the Polling District, then state the Townland, Parish, and Barony in which the Property is situate.)

No. 7.

[If a former Polling District be altered, and a Portion of a Barony or Half Barony has been detached therefrom, and other Portions of a Barony or Baronies annexed thereto, it may be entitled thus]—

County of Polling District of

Copy of the Register (so far as it relates to the Polling District of , consisting of the Barony of (except the Parishes of Townlands of in the Parish of [*as the Case may be*, and the Parishes of in the Barony of ,

[Setting out the Names of the several Parishes, Townlands, or other Denominations as declared in the *Dublin Gazette*]

) of Persons entitled to vote, &c. (*as in No.* 6).

The Columns shall be in the like Form as No. 6.

No. 8.

[If a Portion of one Barony or Polling District have been annexed to another Barony it may be entitled thus]—

Copy of the Register (so far as it relates to the Polling District of , consisting of the Barony of , and the Parishes [*or* Townlands, *as the Case may be*] in the Barony of annexed to such Polling District

[Setting out the Names of the Barony and several Parishes and Townlands annexed, or other Denominations, as declared in the *Dublin Gazette*]

) of Persons entitled to vote, &c. (*as in No.* 6).

The Columns shall be in like Form as No. 6.

No. 9.

The Endorsement upon the List of each Polling District may be as follows :—

County of
Polling District of
Polling Place

SCHE-

SCHEDULE (B.)

No. 1.

PRECEPT OF THE CLERK OF THE PEACE TO THE CLERK OF THE UNION, IN PURSUANCE OF THE PROVISIONS OF THIS ACT.

To the Clerk of the Union of
County of
Polling District of

In pursuance of the Provisions of the Act of Parliament of the 27th and 28th Victoria, Chapter [this Act], you are herewith transmitted in the Form (No. 2.) the Name of the Polling District of , and the several Parts and Divisions of the Barony (*or* Baronies, *as the Case may be*,) out of which such Polling District is constituted, and also in the Form (No. 3.) the Name of the Barony, and the Names of the Portions thereof detached from the Polling District of and annexed to the Polling District of ; you are also sent a Copy of the Register of Voters for the present Year of the Barony of *or* the Baronies of), from or out of which such Polling District is constituted, or from which certain Portions are detached and annexed to another Polling District. You shall, within the Space of Ten Days next after the Receipt of such Copy of the Register, after due Inquiry, which you are required to make with the Assistance of the respective Collectors of Poor Rates (which Assistance such respective Collectors are required to give), upon the Copy of the Register of the Barony or Division of a Barony included in your Union, write legibly in the Margin of such Copy, and opposite the Names respectively of the Persons on such Copy, the Name of the Half Barony, Parish, Townland, *or other Division* (*as the Case may be*), as named and specified in the said Form (No. 2.) sent herewith, in which Half Barony, Parish, or other Division or Denomination the Property is situate in respect whereof the Names of such Persons respectively appear on such Copy of the Register, and also in like Manner in the Margin of such Copy of the Barony of write legibly opposite the Names respectively of the Persons on such Copy the Name of the Half Barony, Parish, Townland, *or other Division* (*as the Case may be*), as named and specified in the Form (No. 3.) sent herewith, in which Half Barony, Parish, or other Division or Denomination the Property is situate in respect whereof the Names of such Persons respectively appear on such Copy of the Register; and for the better enabling you to ascertain the Half Barony, Parish, or other Division in which such

Property respectively may be situate, you are at liberty to refer to and make use of any Tables or Lists of Valuation and Revisions thereof of which any Copies or Copy may have been lodged with you or transmitted to the Board of Guardians of your Union by the Commissioners of Valuation in Ireland; and such Copy of the Register, with such marginal Additions as aforesaid, shall be signed by you, and verified in like Manner, and pursuant to the Provisions of the Act of Parliament of the Thirteenth and Fourteenth Victoria, Chapter Sixty-nine, and duly transmitted to me within the said Space of Ten Days.

No. 2.

County of
Polling District of

[The Clerk of the Peace shall set out here precisely, as published in the *Dublin Gazette*, the Particulars directed in the Form No. 2. to the Precept in Schedule (A.) aforesaid.]

No. 3.

County of
Polling District of

[The Clerk of the Peace shall set out here precisely, as published in the *Dublin Gazette*, the Particulars directed in the Form No. 3. to the Precept in Schedule (A.) aforesaid.]

No. 4.

The Clerk of the Peace shall, from the Copies of the Register transmitted to him by the Clerks of the respective Unions, select the Names of the Persons entitled to vote in respect of Property in the Polling District, and make out and arrange the Lists in the like Manner as directed in Schedule (A. No. 5), omitting the Supplemental Lists, and shall be entitled as in the said Form in said Schedule, omitting the Supplemental List.

No. 5.

The Clerk of the Peace shall arrange the Lists, and entitle them, and with the same Columns, according to the Forms No. 6, 7, 8. in Schedule (A.) to this Act, or such One or more of them as may be applicable.

No. 6.

The Endorsement upon the List of each Polling District may be as follows:

County of
Polling District of
Polling Place

Registration of County Voters (Ireland).

A

B I L L

To amend the Laws which regulate the Registration of Parliamentary Voters in Counties in Ireland.

(*Prepared and brought in by*
Mr. Agar-Ellis and Colonel French.)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1864.

[Bill 49.]

Under 3 oz.

Registration of Deeds (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Defective Registration made valid in certain Cases; Sect. 1.

Certain Cases in which defective Registration shall not be made valid; 2.

Stamp Duties substituted for Fees; 3.

Stamp Duties to be managed by Commissioners of Inland Revenue; 4.

Salaries to be paid out of Estimates; 5.

Act to extend to Ireland only; 6.

A

BILL

TO

Make valid defective Registration of Deeds in certain Cases, and to substitute adhesive Stamps in lieu of the Fees and Stamps now payable on Proceedings in the Registrar of Deeds Office in Ireland.

Preamble.

6 Anne, c. 2. (I.)

Requirements not complied with in many Cases.

2 & 3 W. 4. c. 87.

Fees payable.

WHEREAS by an Act of Parliament made in Ireland in the Sixth Year of the Reign of Queen Anne, intituled "An Act for the public registering of all Deeds, Conveyances, and Wills that shall be made of any Honours, Manors, "Lands, Tenements, or Hereditaments," a Public Register Office was established in the City of Dublin, and by other Acts of Parliament made in Ireland, and by certain Acts of Parliament of the United Kingdom, various Provisions have from Time to Time been made in respect of such Register Office: And whereas the Requirements of said Acts respecting the Memorials of Deeds lodged for Registry have in many Cases not been strictly complied with, and Doubts have arisen as to the Validity of the Registration of those Deeds: And whereas by an Act passed in the Third Year of the Reign of King William the Fourth, intituled "An Act to regulate "the Office for registering Deeds, Conveyances, and Wills in Ireland,"

"land," certain Fees were made payable for and in respect of the several Proceedings in said Office as contained in a Schedule to said Act annexed: And whereas, in addition to the Revenue derived from the said Fees, there is also derived from the Registration Proceedings in Ireland a Revenue from Stamps on the Memorial of Deeds, and on Requisitions for Negative Searches, Common Searches, and Abstracts and attested Copies of Memorials issuing from said Office: And whereas it is expedient to consolidate the Two Sources of Revenue so derived from Registration Proceedings as aforesaid, and to substitute adhesive Stamps for the Fees so paid and the Stamps so used as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Defective Registration made valid in certain Cases.

1. If it shall appear that the Registration of any Assurance registered prior to the passing of this Act is defective by reason of the Memorial thereof not being written on Vellum or Parchment, or not being directed to the Registrar, or not being attested by Two Witnesses, or not stating the Day of the Month and Year when such Assurance bears Date, or the Names and Additions of all the Witnesses to such Assurance, or the Abodes of the Witnesses to such Memorial, or by reason of any formal Omission or Defect in the Affidavit of the Witness proving the signing and sealing of such Memorial, the Execution of the Assurance mentioned in such Memorial, or not stating the Day and Time of the Delivery of such Memorial to the Registrar, then and in every such Case the Registration of any such Assurance, without any Amendment or further Registry, shall be as good and valid as the same would have been if there had been no such Defect in the Registration thereof.

Certain Cases in which defective Registration shall not be made valid by this Act.

2. Provided always, That where the Registration of an Assurance shall before the passing of this Act have been pronounced by competent Authority wholly invalid such Registration shall not be rendered valid by this Act; and where the Registration of any Assurance shall before the passing of this Act have been pronounced by competent Authority invalid as to some only of the Parties thereto, or as to some only of the Lands therein comprised, such Registration shall not be rendered valid by this Act so far as the same shall have been pronounced invalid; and where any Person who would have been barred by any Assurance if well registered shall before the passing of this Act have had any Dealings with the Lands comprised in such Assurance on the Faith of the Registration of the same being invalid, such Registration shall not be rendered valid by this Act; and this Act shall not render valid the

Registration of any Assurance as to the Lands of which any Person shall at the Time of the passing of this Act be in possession in respect of any Estate which such Assurance if well registered would have defeated; nor shall this Act prejudice or affect any Proceedings at Law or in Equity at the Time of the passing of this Act in which the Validity of the Registration of any Assurance shall be in question between the Party claiming under such Assurance and the Party claiming adversely thereto and the Registration of such Assurance; if the Result of such Proceedings shall be to invalidate the same, shall not be rendered valid by this Act; and if such Proceedings shall abate or become defective in consequence of the Death of the Party claiming under or adversely to such Assurance, any Person who but for this Act would have a Right of Action or Suit by reason of the Invalidity of the Registration of such Assurance shall retain such Right, so that he commence Proceedings within Six Calendar Months after the Death of such Party.

Stamp Duties substituted for Fees.

3. From and after the *First Day of October One thousand eight hundred and sixty-four* all and every the Fees authorized and made payable under and by virtue of the said Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, Chapter Eighty-seven, and of the Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, or otherwise payable in the Office of the Registrar of Deeds, shall cease and determine and be no longer payable in the said Office, *and in lieu thereof the several Documents and Proceedings in the said Office for which such Fees are now payable shall be liable to the Payment to Her Majesty, Her Heirs and Successors, of Stamp Duty equivalent in Amount in each Case to the Fee now payable in respect of the same, such Stamp Duty to be affixed to or impressed on the respective Documents or upon the Requisition for any such Proceedings respectively; and the Duty now payable upon Memorials of Deeds lodged for the Purpose of Registration Searches or Requisitions for Searches, or upon attested Copies and Abstracts of Memorials, shall be received by means of Stamps denoting the Amount of such Duties, which shall be affixed to or impressed on such Documents respectively.*

Stamp Duties to be managed by Commissioners of Inland Revenue.

4. *The Duties hereby granted and made payable, as well those representing and in lieu of the Cash Fees as also those representing the Stamp Duties now payable as aforesaid, shall be under the Care and Management of the Commissioners of Inland Revenue, who shall keep a distinct Account thereof, and shall be denoted and dis-*

distinguished by the Words "Registration of Assurances Fee Fund," and shall be declared and construed to be Stamp Duties, and the several Rules, Regulations, Provisions, Penalties, Clauses, and Matters contained in any Act now or hereafter to be in force with reference to Stamp Duties shall be applicable thereto.

Salaries to be paid out of Estimates.

5. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for the Purpose, to cause to be paid all Salaries payable to the Registrars, Clerks, and Officers employed in the Office of the Registrar of Deeds, Wills, and so forth in Ireland, and all other necessary Expenses of the said Office.

Act to extend to Ireland only.

6. This Act shall extend to Ireland only.

Registration of Deeds (Ireland).

A

BILL

To make valid defective Registration of Deeds in certain Cases, and to substitute adhesive Stamps in lieu of the Fees and Stamps now payable on Proceedings in the Registrar of Deeds Office in Ireland.

(Prepared and brought in by Sir Edward Grogan, Mr. George, and Mr. Vance).

Ordered, by The House of Commons, *to be Printed,*
27 *June* 1864.

[Bill 176.]

Under 1 *oz.*

Rents (Ireland) Bill

ARRANGEMENT OF CLAUSES.

Preamble.

Explanation of Terms; Sect. 1.

Owner of Land and Owner of Rent may agree for Redemption, &c. of such Rent; 2.

Application of Price of Redemption, whether paid in Money or in Land; 3.

Persons paying Money for Redemption of Rents entitled to charge on Lands. Priority of such Charge; 4.

In Cases of limited Interests, Contract of Redemption to have Sanction of Judge of Landed Estates Court; 5.

Judge, upon Request of Owner, may examine and certify Title; 6.

Apportioning Rent reserved, where Part only redeemed; 7.

Redemption of Rent by Owner having a limited Estate in Land; 8.

No Charge to be placed on Land without an Order from the Judge. Office Copy of Order to be Evidence; 9.

Reservations or Exceptions to go with the Rent; 10.

If Payment to Trustees be necessary, Trustees to be appointed by a Judge of Landed Estates Court; 11.

Extent of Act; 12.

(Ireland.)

A

BILL

TO

Facilitate the Redemption and Extinguishment of Rents in Ireland.

Preamble.

WHEREAS it is expedient to enable Persons holding Lands or Tenements subject to any Rent to redeem the said Rent: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Explanation of Terms: "Land:" "Owner of Land:" "Owner of Rent."

1. Any Lands or Tenements held in Fee Farm, or for Lives renewable for ever, or for any Term whereof more than Two hundred Years shall be unexpired, shall, if subject to any Rent during the Continuance of such Estate, be deemed Land within the Provisions of this Act; and any Person entitled in possession to such Lands or Tenements, or to the Rents and Profits thereof, under any Will or Settlement for any Term of Years determinable on the dropping of a Life or Lives, or for any greater Estate (not being a Term of Years less than the Term for which such Lands or Tenements may be held) shall be deemed the Owner of such Lands or Tenements; and any Person entitled under any Will or Settlement to an immediate Estate in the said Rent, or in the Reversion to which the same may be incident, for any Term of Years determinable on the dropping of a Life or Lives, or for any greater Estate, shall be deemed the Owner of such Rent; and every Estate in Land or Rent, other than an unincumbered Estate in Fee, shall be deemed a limited Estate, within the Provisions of this Act; and the Words "Lands or Tenements" in this Act shall extend to any divided or undivided Shares thereof respectively; and the Word "Rent" shall extend to any Part or Parts thereof; and the Words "Owner or Person" shall extend to Two or more Persons seised of or entitled to divided or undivided Shares of or Estates in the said Lands and Rents respectively.

Owner of Land and Owner of Rent may agree for Redemption, &c. of such Rent.

2. The Owner of any Land or Tenement subject to any Rent may agree with the Owner of such Rent for the Redemption and Extinguishment thereof on the following Terms; that is to say, first, the Price to be paid for such Redemption shall be either a Sum of Money in gross, or a Part of the Lands or Tenements which were subject to the said Rent, or any Lands or Tenements to which the Owner shall be entitled in Fee Simple or Fee Farm, or which shall be subject to the same Limitations as the Lands or Tenements to be discharged from Rent by such Agreement.

Application of Price of Redemption, whether paid in Money or in Land.

3. In case the Owner of such Rent shall have only a limited Estate therein, if the Price agreed to be paid for the Redemption thereof shall be a Sum of Money in gross it shall be paid to the Trustees, for Application in the Manner herein-after mentioned, and if the Price shall be Land it shall be held in lieu of the said Rent, subject to the same Trusts, Limitations, and Charges as the Rent had previously been subject to.

Persons paying Money for Redemption of Rents entitled to Charge on Lands.

Priority of such Charge.

4. If any Person having a limited Estate in Land shall pay Money for the Redemption of any Rent chargeable thereon, he shall be entitled to a Charge on such Land for the Sum so paid, but he shall be bound to keep down the Interest thereof during the Continuance of his Estate in the Land, and such Charge shall have Priority over all Charges and Incumbrances affecting the said Lands, except Quit Rent, Crown Rent, Rentcharge in lieu of Tithes, and Charges imposed on Money borrowed for the Improvement of Land under the Authority of any Act of Parliament: Provided always, and it is hereby enacted, that no Charge shall be imposed on any Land under the Authority of this Act which shall exceed *One Half* of the total Value of such Land.

In Cases of limited Interests, Contract of Redemption to have Sanction of Judge of Landed Estates Court.

5. If either the Owner of the Land or the Owner of the Rent have only a limited Estate therein, the Contract for Redemption shall not be concluded without the Sanction of One of the Judges of the Landed Estates Court, but it shall not be necessary for the Judge to investigate the Title of either Owner, unless requested by such Owner.

6. If

Judge, upon Request of Owner, may examine and certify Title.

6. If the Owner of any Land or Rent shall request the Judge to examine the Title thereto, the Judge shall thereupon investigate such Title, and if it shall be sufficient he shall cause a Certificate of his Approbation thereof to be annexed to the Contract for Redemption, and such Certificate shall have the Effect of giving to the Person taking the Land or Rent under such Contract the same Title thereto as if the same had been conveyed to him by One of the Judges after a Sale thereof in the Landed Estates Court.

Apportioning Rent reserved, where Part only redeemed.

7. Where it is intended to redeem under this Act a Part only of any Rent, and where the Owner of the Land or the Owner of the Rent have only a limited Interest therein, it shall be lawful for One of the Judges of the Landed Estates Court to apportion the Rent reserved by the Lease or Grant as between the Part thereof to be redeemed and the Land as to which the same is to be extinguished and the remaining Part or Parts of the said Rent and Land. The Judge shall direct Notice of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as he shall think fit, and shall hear such Parties as shall apply in relation thereto. After such Apportionment, and after the said Part of the said Rent shall have been so redeemed, the Owner of the remaining Part of the said Rent so apportioned shall have the like Remedies for the Recovery thereof against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Grant, except as to the Amount of Rent to be paid, shall, as regards the Part or Parts not redeemed, remain in force, in the same Manner as they would have done if such Redemption had not taken place: Provided always, that the Enactment in this Section shall be deemed to apply to the Redemption of any Parts of the same original Rent to be redeemed at different Times; provided also, that where any such Part of the said Rent so intended to be redeemed shall have been theretofore apportioned or fixed and determined as between the Owners of such Lands or Tenements liable to Payment of the whole Rent, and such Part or Parts shall have been theretofore apportioned as between such Owners themselves, such Apportionment shall be adopted and acted upon to all Intents and Purposes as if the same was made under the Provisions of this Section.

Redemption of Rent by Owner having a limited Estate in Land.

8. If any Owner having a limited Estate in Land shall, under the Provisions of this Act, redeem any Rent payable thereout, by giving in lieu thereof any Land to which he shall be entitled in Fee Simple or Fee Farm, the Judge shall estimate the Value of such Land, and the said Owner shall have such Charge upon the Lands out of which such Rent originally issued as if he had paid such Value in Money.

No Charge to be placed on Land without an Order from the Judge.

Office Copy of Order to be Evidence.

9. Before any Charge shall be placed upon Land under this Act, an Order shall be obtained from the Judge to sanction the same, and a Copy of such Order, on Parchment under the Seal of the Court, shall be brought to the Office for Registration of Assurances, and thereupon be registered as a Charge imposed on the said Lands by the Court; and an Office Copy thereof shall be sufficient Evidence of the Existence, Contents, and Validity of such Order.

Reservations or Exceptions to go with the Rent.

10. Any Reservations or Exceptions contained in the Instrument by which such Rent may have been created or reserved may (with the Sanction and Approval of a Judge of the Landed Estates Court, but not otherwise) be granted or released together with the Rent, if the Owner thereof shall agree thereto, and shall express such Agreement in the Contract by which such Rent shall be redeemed or extinguished.

If Payment to Trustees be necessary, Trustees to be appointed by a Judge of Landed Estates Court.

11. When it shall be necessary to pay the Purchase Money of any Rent to Trustees for Application under this Act, such Trustees shall be appointed by a Judge of the Landed Estates Court, and they shall apply the same, as the Court shall from Time to Time direct, to some One or more of the following Purposes; namely, to the Discharge of any Debt or Incumbrance affecting the Rent in respect of which such Purchase Money shall have been paid, or to the Purchase or Redemption of Quit Rent or Crown Rent, or to the Discharge of any Debt or Incumbrance affecting other Rents or Lands settled to the same or the like Uses, Trusts, or Purposes as the Rent in respect of which such Purchase Money shall have been paid, or to the Purchase of Land, to be held on the same Uses and Trusts and subject to the Charges and Limitations as the Rent which had been redeemed, and until such Purchase can be made the Trustees shall invest the Money in the Public Funds, and shall pay the annual Dividends to such Persons as would be entitled to the said Rent if it had not been redeemed or extinguished.

Extent of Act.

12. This Act shall only extend to Ireland.

Rents (Ireland).

A

BILL

To facilitate the Redemption and Extinguishment of Rents in Ireland.

(*Prepared and brought in by*
Mr. Longfield, Mr. Leader, and Sir Colman
O'Loghlen.)

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1864.

[Bill 1.]

Under 1 *oz.*

Rivers Pollution (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.

Interpretation; 2.

Foul Water not to be discharged into Rivers from Works erected after the passing of this Act; 3.

Owner or Occupier of Work may be interdicted; 4.

Application may be made to Sheriff for Certificate; 5.

Procurator Fiscal and Owners and Occupiers of Property adjoining the River may appear before Sheriff; 6.

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In existing Works, best practicable Means to be used for purifying Water; 9.

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Water may be discharged into River in Terms of Certificate; 12.

Application to Sheriff for new and renewed Certificates; 13.

Appeal to Sheriff in Case of Works erected after the passing of this Act; 14.

Appeal in the Case of Works erected previous to the passing of this Act; 15.

Recovery and Application of Penalties; 16.

Saving Actions for Nuisance and Rights at Common Law; 17.

A

BILL

TO

Prevent the Discharge of impure Water from Manufactories into Rivers in Scotland.

WHEREAS it is expedient to make Provision for preserving and maintaining the Purity of Rivers, Streams, and Lochs in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. 1. This Act may be cited for all Purposes as "The Protection of Rivers (Scotland) Act, 1864."

Interpretation. 2. In this Act the following Words and Expressions shall have the Meanings hereby assigned to them:

"River" shall mean and include any River, Stream, or Loch in Scotland:

"Work" and "Works" shall mean and include any Mill or Manufactory, and any Work or Building, in which any Manufacturing or Chemical Process is carried on, or in which any Liquid is made or produced by any Process of brewing or distilling:

"Foul Water" shall mean any foul or impure or offensive Water or other Liquid, and any Water or other Liquid which has been used in any Manufacturing or Chemical Process in any Work, or has passed through any Work, or has been mixed with Refuse from any Work:

"Sheriff" shall mean the Sheriff of the County in which any Work is situate, and shall include Sheriff Substitute.

Foul Water not to be discharged into Rivers from Works erected after the passing of this Act.

3. With respect to Works erected or established after the *passing of this Act*, and with respect to Works into which any Manufacturing or Chemical Process, or any Process of brewing or distilling, is introduced after the *passing of this Act*, by or in consequence of which Process Water or other Liquid is to be discharged or to flow from such last-mentioned Works, it shall not be lawful for the Owner or Occupier of any such Work, without having obtained a Certificate as herein-after provided, to discharge any foul Water or to permit any foul Water to flow into any River, or into any Conduit, Sewer, or Drain running into or connected with any River, unless and until he shall have obtained a Certificate as herein-after provided; and the Owner and Occupier of any such Work from which any foul Water is discharged or permitted to flow into any River, or into any Conduit, Sewer, or Drain running into or connected with any River, shall be guilty of an Offence, and for every such Offence such Owner and Occupier shall be liable to a Penalty of *Fifty* Pounds, and to an additional Penalty of *Ten* Pounds for every Day during which such Offence shall continue; and such Penalties may be sued for and recovered from such Owner and Occupier, or either of them.

Owner or Occupier of Work may be interdicted.

4. The Owner or Occupier of any such Work may, in addition to any Penalty incurred under the Provisions of this Act, be interdicted from discharging foul Water, or permitting foul Water to flow into any River, or into any Conduit, Sewer, or Drain running into or connected with any River, on Petition to the Sheriff at the Instance of the Procurator Fiscal of the County in which such Work is situate, or of any Owner or Occupier of Lands or Houses adjoining the River and situate below the Point at which such Water or other Liquid is to be discharged or to flow into the River.

Application may be made to Sheriff for Certificate.

5. The Owner or Occupier of any such Work may apply by Petition to the Sheriff for a Certificate that he has used the best practicable Means, within a reasonable Cost, to purify the Water or other Liquid which may be discharged or permitted to flow from such Work into any River, or into any Conduit, Sewer, or Drain running into or connected with any River; and in such Petition he shall specify the Point at which such Water or other Liquid is to be discharged or to flow into the River, and the Means or Processes, if any, which are to be adopted to purify such Water or other Liquid; and on the Presentation of such Petition the Sheriff shall appoint the same to be intimated *Once* at least in each of *Two* successive Weeks in a Newspaper published or circulated in the County in which such Work is situate, and to be served on the Procurator Fiscal of such County, and on such Persons, being Owners or Occupiers of Lands or Houses adjoining the River, as the Sheriff may think fit, and shall order Answers to be made thereto within *Fourteen* Days after such Service.

Procurator Fiscal and Owners and Occupiers of Property adjoining the River may appear before Sheriff.

6. The Procurator Fiscal of the County in which such Work is situate, and any Owner or Occupier of Lands or Houses adjoining the River, and situate below the Point at which such Water or other Liquid is to be discharged or to flow into the River, may appear before the Sheriff as Respondents to such Petition, and may lodge Answers thereto, within the Time specified in the Order of the Sheriff.

Sheriff to remit to Men of Skill to report on Petition.

7. On the Expiration of the said Period of Intimation, and on Proof that such Intimation and Service have been made, and whether Answers to such Petition have or have not been lodged, the Sheriff shall remit to *One* or more Men of Skill to report on the Matter stated in such Petition, and specially to report on the Means and Processes, if any, which have been adopted by the Petitioner for the Purpose of purifying the Water or other Liquid to be discharged from such Work and the Result of such Means and Processes, and whether any other or better Means and Processes for that Purpose can be adopted by the Petitioner, within a reasonable Cost, or whether no such other Means or Processes can be adopted, within a reasonable Cost, and also to report on such other Points in reference to such Petition as the Sheriff may direct.

Sheriff may grant Certificate.

8. On advising such Petition and Report, and after taking such Evidence as he thinks fit, if Appearance be made by any Respondent, it shall be lawful for the Sheriff to refuse such Application, or to grant a Certificate under his Hand to the Effect that the Owner or Occupier for the Time being of such Work has used the best practicable Means, within a reasonable Cost, for purifying the Water or other Liquid referred to in such Certificate; and such Certificate shall, within *Ten* Days after the Date thereof, be recorded in the Sheriff Court Books of the County in which such Work is situate.

In existing Works best practicable Means to be

9. With respect to any Work erected or established previous to the *passing of this Act*, the Owner and Occupier of every such Work shall use the best practicable Means, within a reasonable Cost, used for purifying Water.

for purifying any Water or other Liquid which may be discharged or permitted to flow from such Work into any River or into any Conduit, Sewer, or Drain running into or connected with any River; and the Owner or Occupier of any such Work from which any foul Water is discharged or permitted to flow into any River, or into any Conduit, Sewer, or Drain running into or connected with any River, without such Owner or Occupier having used the best practicable Means, within a reasonable Cost, for purifying the same, shall be guilty of an Offence, and for every such Offence, such Owner and Occupier shall be liable to a Penalty of *Fifty* Pounds, and to an additional Penalty of *Ten* Pounds for every Day during which such Offence shall continue; and such Penalties may be sued for and recovered from such Owner or Occupier or either of them.

Application to Sheriff for Certificate.

10. The Owner or Occupier of any Work erected or established previous to the *passing of this Act*, may apply by Petition to the Sheriff for a Certificate that he has used the best practicable Means, within a reasonable Cost, for purifying any Water or other Liquid which may be discharged or permitted to flow from such Work into any River, or into any Conduit, Sewer, or Drain running into or connected with any River; and in such Petition he shall specify the Point at which such Water or other Liquid is discharged or allowed to flow into the River, and the Means or Processes, if any, which have been adopted to purify such Water or other Liquid; and the same Intimation and Service of such Petition shall be made, and the same Procedure shall take place with respect thereto, as is herein-before provided with respect to Applications for a Certificate by the Owner or Occupier of a Work erected or established after the passing of this Act; and Appearance may be made in opposition to such Petition by the Procurator Fiscal of the County in which such first-mentioned Work is situate, or by any Owner or Occupier of Lands or Houses adjoining the River, and situate below the Point at which such Water or other Liquid is discharged or flows into the River, as herein-before provided.

Expenses to be in the Discretion of the Sheriff.

11. The Expenses of the Proceedings in or with respect to any Petition presented to the Sheriff under the Provisions of this Act, shall be in the Discretion of the Sheriff, and he may find either of the Parties, Petitioners or Respondents, liable to the other in Expenses, or may modify the same, as he thinks fit.

Water may be discharged into River in Terms of Certificate.

12. It shall be lawful for the Owner or Occupier of any Work in respect of which a Certificate has been granted under the Provisions of this Act, and has not been appealed against or submitted to Review, or has been confirmed on Appeal or Review, to discharge

Water or other Liquid from such Work into the River, or into any Conduit, Sewer, or Drain running into or connected with the River, in the Manner and under the Terms and Conditions specified in such Certificate, for a Period of *Seven* Years next succeeding the Date of such Certificate; and such Owner or Occupier shall not, in respect of such Discharge, be liable during that Period to any Penalty under the Provisions of this Act: Provided, that if any such Owner or Occupier shall fail or neglect to perform or observe any of the Terms or Conditions specified in such Certificate, or shall discharge any foul Water or permit any foul Water to flow into the River, or into any Conduit, Sewer, or Drain running into or connected with the River, in contravention of the Terms and Conditions of such Certificate, he shall be guilty of an Offence, and for every such Offence he shall be liable to a Penalty of *Fifty* Pounds, and to an additional Penalty of *Ten* Pounds for every Day during which such Offence shall continue; and such Penalties may be sued for and recovered from such Owner and Occupier, or either of them.

Application to Sheriff for new and renewed Certificates.

13. At any Time after the Expiration of the Period of *Seven* Years during which the Certificate of the Sheriff is in force, the Owner or Occupier of the Work in respect of which such Certificate was granted may apply by Petition to the Sheriff for a new Certificate; and the Sheriff shall grant such new Certificate for any Period not exceeding *Seven* Years after the Date thereof, unless it appears to him that since the granting of the former Certificate better Means have been discovered for the Purification, within a reasonable Cost, of the Water or other Liquid to be discharged or permitted to flow from such Work, in which event a new Certificate shall not be granted, unless the Owner or Occupier adopt such better Means of Purification; and a renewed Application for a Certificate may be made by Petition to the Sheriff on the Expiration of each successive Period of *Seven* Years, and shall be dealt with in the same Manner as is herein-before provided with respect to Applications for new Certificates; and the same Intimation and Service of Petitions for new or renewed Certificates shall be made, and the same Procedure shall take place with respect thereto, as is herein-before provided with respect to Applications for the First Certificate; and Appearance may be made in opposition to such Petitions by the Procurator Fiscal of the County in which the Work is situate, or by any Owner or Occupier of Lands or Houses adjoining the River, and situate below the Point at which the Water or other Liquid is discharged or flows into the River, as herein-before provided.

Appeal to Sheriff, in case of

14. In the Case of Petitions for a Certificate or a new or renewed Certificate with respect to any Work erected or established after the

Works erected after the passing of this Act.

the *passing of this Act*, or with respect to any Work into which any Process as aforesaid has been introduced after the *passing of this Act*, any of the Parties to the Proceedings on such Petition may appeal to the Sheriff against any Order or Decree pronounced by the Sheriff Substitute, within *Ten* Days after the Date of such Order or Decree; and the Decision of the Sheriff Substitute, if not appealed from, or the Decision of the Sheriff on such Appeal, shall be final, and shall not be subject to Review by Advocation, Suspension, or Reduction, or in any other Way.

Appeal in the case of Works erected previous to the passing of this Act.

15. In the Case of Petitions for a Certificate or a new or renewed Certificate with respect to any Work erected or established previous to the *passing of this Act*, any of the Parties to the Proceedings on such Petition may appeal to the Sheriff against any Order or Decree pronounced by the Sheriff Substitute, within *Ten* Days after the Date of such Order or Decree; and may bring the Order or Decree pronounced by the Sheriff in such Appeal under the Review of the Court of Session in Scotland, in either Division thereof, by Advocation, Suspension, or Reduction; and the Decision of the said Court on such Advocation, Suspension, or Reduction shall be final, and shall not be subject to Appeal to the House of Lords.

Recovery and Application of Penalties.

16. Any Penalty incurred under the Provisions of this Act may be sued for and recovered, with Expenses, by summary Process in any competent Court at the Instance of the Procurator Fiscal of the County in which the Work in respect of which such Penalty has been incurred is situate, or at the Instance of any Owner or Occupier of Lands or Houses adjoining the River, and situate within *Three* Miles either above or below or on either Side of the Point at which any foul Water is discharged or flows into the River; and all such Penalties shall, after deducting any Expenses incurred in recovering the same, be paid to the Inspector of the Poor of the Parish in which such Work is situate, and shall be applied towards the Relief of the Poor of such Parish.

Saving Actions for Nuisance and Rights at Common Law.

17. Nothing contained in this Act, or in any Certificate to be granted under the Provisions thereof, shall limit, restrict, or affect any Action or Prosecution at Common Law or under any General or Local and Personal Act of Parliament, which may have been or may be instituted for the Prevention of Nuisances or of the Discharge of any foul or impure or offensive Water or other Liquid or of any Refuse Matter into any River, or any Claim or Right of Action competent to any Person with respect to such Nuisance, or Discharge of foul or impure or offensive Water or other Liquid or Refuse Matter into any River.

Rivers Pollution
(Scotland).

A

BILL

To prevent the Discharge of impure Water from Manufactories into Rivers in Scotland.

(Prepared and brought in by
The Lord Advocate, Sir George Grey, and
Sir William Dunbar.)

Ordered by The House of Commons, *to be Printed,*
11 *May* 1864.

[Bill 106.]

Under 2 oz.

A

B I L L

TO

Enable Parliamentary Burghs (being Royal Burghs) in Scotland to avail themselves of the Provisions of the Acts Twenty-second and Twenty-third Victoria, Chapter Sixty-six, and Twenty-third and Twenty-fourth Victoria, Chapter One hundred and forty-six, for regulating the Sale of Gas.

Preamble.

22 & 23 Vict. c. 66.

23 & 24 Vict. c. 146.

WHEREAS by an Act passed in the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, intituled "An Act for regulating Measures used in Sales "of Gas," Royal Burghs in Scotland not being County Towns were enabled to avail themselves of the Provisions of the said Act, and it was compulsory on Counties and Royal Burghs being County Towns to bring the said Act into operation: And whereas by another Act, passed in the Twenty-third and Twenty-fourth Years of Her present Majesty, intituled "An Act to amend the Act for regulating "Measures used in Sales of Gas," it was rendered optional in Counties to avail themselves of the Provisions of the said first-mentioned Act: And whereas the Limits of certain Royal Burghs forming Portions of Parliamentary Burghs are not co-extensive with the Parliamentary Boundaries, and in consequence thereof the Provisions of the said first-mentioned Act, if adopted by these Royal Burghs, would not apply to the whole District within the Parliamentary Boundaries; and it is expedient that Powers should be conferred to render the Provisions of the said Acts applicable within the said Parliamentary Boundaries: Therefore be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Magistrates of Parliamentary Burghs being also Royal Burghs may apply to their District Provisions of recited Acts.

1. The Magistrates of any Parliamentary Burgh being also a Royal Burgh may, at any Meeting to be called for the Purpose, resolve that the Provisions of the said recited Acts shall be applicable to the whole District within their Jurisdiction on and after a certain Date to be fixed by them, and on the said Resolution being come to the Magistrates shall publish the same and make Proclamation thereof at least Three Months before the said Date so fixed, and thereafter the said recited Acts shall apply to and may be enforced within the whole District subject to the Jurisdiction of the said Magistrates.

Sale of Gas (Scotland).

A

B I L L

To enable Parliamentary Burghs (being Royal Burghs) in Scotland to avail themselves of the Provisions of the Acts Twenty-second and Twenty-third Victoria, Chapter Sixty-six, and Twenty-third and Twenty-fourth Victoria, Chapter One hundred and forty-six, for regulating the Sale of Gas.

(*Prepared and brought in by*
Mr. Dalglish Mr. Buchanan, Mr. Crum-Ewing).

Ordered, by The House of Commons, *to be Printed,*
30 *May* 1864.

[Bill 125.]

Under 1 *oz.*

161

A

BILL

INTITULED

An Act to amend the Acts relating to Salmon Fisheries in Scotland.

Preamble.

WHEREAS an Act was passed in the Twenty-fifth and Twenty-sixth Years of the Reign of Her Majesty Queen Victoria, intituled "An Act to regulate and amend the "Law respecting the Salmon Fisheries of Scotland;" and another Act was passed in the Twenty-sixth and Twenty-seventh Years of the Reign of Her Majesty Queen Victoria, intituled "An Act to "continue the Powers of the Commissioners under the Salmon "Fisheries (Scotland) Act until the First Day of January One "thousand eight hundred and sixty-five, and to amend the said "Act:" And whereas by the first-recited Act Provision was made for determining by Byelaws certain Matters on or before the First Day of January One thousand eight hundred and sixty-three, and certain other Matters on or before the First Day of January One thousand eight hundred and sixty-four, and for reporting the same to the Secretary of State; and by the second-recited Act the Time for determining and reporting on certain of such Matters was continued till the First Day of January One thousand eight hundred and sixty-five; and it is expedient that the Times so limited should be extended, and that the said Two recited Acts should be amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Time for making certain Byelaws extended.

1. The said Commissioners shall and may, on or before the First Day of January One thousand eight hundred and sixty-six, determine the Matters specified and referred to in the Sixth, Fifteenth, and Sixteenth Sections of the first-recited Act and the First Section of the second-recited Act, respectively, (with the Exception of the Matters specified and referred to in the First, Second, Third, and Fourth Subdivisions of the Sixth Section of the first-recited Act,) by Byelaws under their Hands or the Hands of any Two of them, in manner prescribed by the first-recited Act, and the whole Enactments and Provisions of the first-recited Act with respect to the Transmission, Publication, and Confirmation of Byelaws shall be applicable to the Byelaws to be made by the said Commissioners during the Period above specified.

Secretary of State may confirm Byelaws.

2. It shall be lawful for the Home Secretary to confirm any Byelaws made under the Provisions of the recited Acts, notwithstanding the Period therein prescribed for such Confirmation may have elapsed at any Period prior to the First Day of January One thousand eight hundred and sixty-five.

In certain Case Byelaw may be re-issued.

In any Case where a District Board has not been constituted, under the Provisions of the first-recited Act, previous to the passing of this Act, the Commissioners may, on the Requisition of any Proprietor of Salmon Fisheries within such District, re-issue a Byelaw constituting the District; and the Commissioners, Sheriff, and Sheriff Clerk shall thereupon take all the Proceedings prescribed by the first-recited Act with respect to the Formation of District Boards; and such Boards, when so formed, shall have all the Powers and Authorities conferred on or competent to any District Board under the recited Acts or either of them.

Provision where no District Board has been formed.

3. And whereas by the Sixteenth Section of the first-recited Act it is provided, that, previously to making Byelaws, the Commissioners shall communicate the same to the District Board, and afford the Board reasonable Opportunity of making any Representation to the Commissioners regarding the same: Be it enacted, That the Commissioners may, in all Cases in which no District Board has been formed, make Byelaws in regard to the whole Matters and Things prescribed by the Sixteenth Section of the first-recited Act; and, on Compliance with the whole other Provisions of the said Sixteenth Section, the Secretary of State may approve, alter, or disapprove of such Byelaws, and the same, as altered or approved of by him, shall be as legal and binding on all concerned as if they had been previously communicated to a District Board.

Close Time of the District of the Tay.

4. Whereas in the Byelaw made by the Commissioners on the First Day of October One thousand eight hundred and sixty-three, and approved by the Secretary of State on the Thirtieth Day of January One thousand eight hundred and sixty-four, determining the Close Season for the District of the Tay, the same was declared to commence on the Twenty-first Day of August and to terminate on the Third Day of February inclusive, and the Close Season so fixed is less than the Period prescribed by the first-recited Act: The Close Season for the District of the Tay shall commence on the Twenty-first Day of August and terminate on the Fourth Day of February, both inclusive, and the said Byelaw shall be read and construed as if the said Dates were inserted therein, and shall be valid and effectual and come into force from and after the passing of this Act.

This Act to be read with prior Acts.

5. This Act shall be read and construed along with the recited Acts as if the same formed One Act.

Salmon Fisheries (Scotland) Acts Amendment.

A

B I L L

INTITULED

An Act to amend the Acts relating to
Salmon Fisheries in Scotland.

(*Brought from the Lords* 11 *July* 1864.)

Ordered, by The House of Commons, *to be Printed,*
14 *July* 1864.

[Bill 210.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Salmon Fishery Act, 1861."

WHEREAS by the Thirty-third Section of the "Salmon Fishery Act, 1861," it is provided that it shall be lawful for the Justices of the Peace assembled at any General or Quarter Sessions of the Peace, from Time to Time to appoint Conservators or Overseers for the Preservation of Salmon, and enforcing, for that Purpose, the Provisions of the said Act within the Limits of the Jurisdiction of such Justices: And whereas no Funds are provided by the said Act for carrying into effect the Purposes thereof, and no Provisions are made for securing the Co-operation of the Conservators of different Counties where a River frequented by Salmon borders on or passes through several Counties: And whereas it is expedient to amend the said Act in respect of the foregoing Particulars: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Salmon Fishery Act, 1864," and this Act and the Salmon Fishery Act, 1861, may be cited together as the "Salmon Fishery Acts, 1861 and 1864." Short Title of Act.

Salmon Fisheries (Scotland) Acts Amendment.

A

B I L L

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An Act to amend the Acts relating to
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Preliminary.

1. This Act may be cited for all Purposes as "The Salmon Fishery Act, 1864," and this Act and the Salmon Fishery Act, 1861, may be cited together as the "Salmon Fishery Acts, 1861 and 1864." Short Title of Act.

Construction of Act.

2. This Act shall be read as One with the Salmon Fishery Act, 1861, and Words defined by that Act shall have the same Meaning in this Act.

Definitions.

3. In this Act the Term " River " shall include any Stream or Lake, with its Tributaries, and such Portion of any Estuary, Sea, or Sea Coast as may be declared by One of Her Majesty's Principal Secretaries of State to be the Seaward Limits of that River, and " Salmon River " shall mean any River as above defined that contains Salmon :

" Quarter Sessions " shall include " General Sessions :"

Appointment of Conservators.

Power of Justices of County to appoint Conservators.

4. The Justices of a County at any Court of Quarter Sessions held after the passing of this Act, (due Notice having been previously given according to the Practice of the said Sessions), may appoint a Board of Conservators for all, or separate Boards for any One or more of the Salmon Rivers lying wholly within their County, and may name the Time and Place at which the First Meeting of any Board so appointed is to be held, and any Board so appointed shall for the Purposes of the Salmon Fishery Acts, 1861, 1864, be deemed to have Jurisdiction over the Salmon River or Salmon Rivers in respect of which they are appointed, and the District in which such Salmon River or Rivers is or are situate is herein-after referred to as a Fishery District.

Committee for Salmon River in different Counties.

5. Where a Salmon River does not lie wholly within the Limits of One County, the Justices of any County within which any Part of such River lies, herein-after called a Border County, assembled at any Court of Quarter Sessions, may apply to the Justices of every other Border County on such River to appoint at their next Court of Quarter Sessions a Fishery Committee of Three of their Number to take into consideration, jointly with the Fishery Committee to be appointed at that Sessions by the Border County making the Application, the propriety of appointing a Board of Conservators for such Salmon River.

Application for Appointment by Committee.

6. An Application under this Act by the Justices of One County to the Justices of another, in respect of the Appointment of a Fishery Committee, shall be made by the Clerk of the One County sending, within Fourteen Days after the holding of the Sessions at which the Application is resolved on, to the Clerk of the Peace of the other County, by Post, a Letter requiring the Justices of the other County to appoint a Fishery Committee at their then next ensuing Quarter Sessions, and it shall be the Duty of the Clerk of the Peace making the Application, and of the Clerk of the Peace of every County to whom such Application is sent, to add to the Notice required by Law to be given of the holding of such last-mentioned Sessions a Notice of the Appointment proposed to to be made of a Fishery Committee.

Appointment of Fishery Committee.

7. At the Quarter Sessions mentioned in the Application, the Justices of each Border County shall appoint a Fishery Committee of Three of their Members; and any County neglecting to make such Appointment shall be deemed to have concurred in any Decision that may be arrived at by the Fishery Committees of the other Border Counties, or of such of them as may appoint a Fishery Committee.

Notice of Appointment of County Committees. Duty of Inspectors of Fisheries.

8. The Clerk of the Peace of every Border County shall, as soon as possible after the Appointment of a Fishery Committee by his County, give Notice to the Clerk of the Peace of every other Border County on the Salmon River, stating in such Notice the Names and Addresses of the Members composing the Fishery Committee of his County, and the Clerk of the Peace of the County that made the Application for such Appointment shall, in the Notice sent by him, name a Time and Place at which all the said Committees are to meet for the Purpose of taking into consideration the Propriety of appointing a Board of Conservators for that River.

Meeting of Fishery Committees.

9. The several Fishery Committees, on meeting at the Time and Place aforesaid, shall form a Joint Committee; they shall elect a Chairman, and shall take into consideration the Propriety of appointing a Board of Conservators for the said River, and may, if they think fit, appoint such Board, and if the Appointment of such a Board is decided on, they shall then proceed to determine the following Matters:

1. The Number of Conservators to be appointed as a Joint Board for such Salmon River as aforesaid:
2. The Number of Members of the Board to be appointed by each Border County:
3. The Names of the First Members of the Board, distinguishing those who are to be considered as appointed by each County.
4. The Time and Place at which the First Meeting of the said Board is to be held:
5. The County by the Quarter Sessions of which the Accounts of the Board are to be audited, herein-after referred to as the Audit County.

The Chairman elected at the First Meeting shall, if he is present at the Time appointed for holding any other Meeting, be Chairman of that Meeting; if he is not so present the Members present may choose any One of their Number present to be Chairman of such last-mentioned Meeting.

Any Member of a Joint Committee may, if otherwise qualified, be named by that Committee as One of the Members of the Joint Board.

Proceedings of Joint Committee.

10. A Joint Fishery Committee may adjourn from Time to Time and from Place to Place, and One Third of the whole Number of Members appointed shall be a Quorum.

Every Question shall be decided by a Majority of Votes of the Members voting on that Question, and in the event of an Equality of Votes at any Meeting the Chairman shall have a Second or Casting Vote.

The Proceedings of a Joint Committee shall not be invalidated by reason of there being any Vacancy or Vacancies in their Body.

Dissolution of a Joint Committee.

11. When a Joint Committee have completed their Dispositions for the Formation of a Joint Board for any River, they shall give Notice of such Dispositions to the Clerks of the Peace of all the Border Counties of such River, and when such Notice has been given the Joint Committee shall be dissolved.

Constitution of Joint Fishery District.

12. The whole of a Salmon River over which a Joint Board has been appointed shall be deemed to form One Fishery District; and a Joint Board shall, as respects the District within its Jurisdiction, have the same Powers and be subject to the same Obligations as a Board of Conservators appointed by the Justices of any One County have within their District, and shall be included under the Expression "Board of Conservators."

Qualification of Conservators.

13. No Person shall be appointed a Conservator under this Act in any Fishery District unless he is a Justice of the Peace acting in and for the County by the Court of Quarter Sessions of which he is appointed, or is the Owner or Occupier of a Salmon Fishery within that District, or follows the Occupation of a Fisherman in the District.

Appointment of Board of Conservators.

14. The Members of a Board of Conservators shall hold Office for One Year, and a new Board shall be appointed annually, at the Sessions held at the same Period of the Year at which the Conservators were originally appointed; the existing Conservators shall remain in Office until their Successors are appointed; and if in any Year no Appointment of Conservators takes place, the existing Conservators shall continue in Office during the current Year.

15. Notice of the first Appointment of a Board of Conservators for any Salmon River shall, in the Case of a Board appointed by the Justices of a single County, be advertised by the Clerk of the Peace of that County in some Newspaper published or circulated in such County, and in the Case of a Joint Board be advertised by the Clerk of the Peace of every Border County in some Newspaper published or circulated in that County.

Notice of Appointment of Conservators.

16. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of any Orders or Proceedings relating to the Appointment of a Board of Conservators in any District after the Expiration of Three Calendar Months from the Date of the Advertisement of such first Appointment in the Newspaper, and a Copy of the Newspaper containing the Advertisement of the Appointment of a Board of Conservators shall be receivable in all Courts of Justice and in all legal Proceedings as Evidence of such Appointment having been made.

Rules as to Objections and Evidence.

Board of Conservators, and their Officers.

17. A Board of Conservators shall be a Body Corporate, having perpetual Succession and a Common Seal, with Power to make Contracts, and to sue and be sued in a common Name.

Constitution of Board of Conservators.

18. A Board of Conservators shall meet for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the Election of a Chairman of their Meetings, the summoning, Notice, Place, Management, and Adjournment of their Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings, as they think fit, subject to the following Conditions:

Proceedings of Board.

(*a.*) The First Meeting after the Formation of the District shall be held at the Time and Place fixed in manner provided by this Act:

(*b.*) An Extraordinary Meeting may be summoned at any Time, on the Requisition of Three Members of the Board:

(*c.*) The Quorum to be fixed by the Board shall consist of not less than Three Members:

(*d.*) Every Question shall be decided by a Majority of Votes of the Members voting on that Question; and in the event of an Equality of Votes the Chairman for the Time being shall have a Casting Vote.

19. No Act or Proceeding of a Board of Conservators shall be questioned on account of any Vacancy or Vacancies in their Body; and no Defect in the Qualification or Appointment of any Person or Persons acting as Members or Member of such Board shall be

Vacancies in Board and Defect in Qualification of Members.

deemed to vitiate any Proceedings of such Board in which he or they have taken part in Cases where the Majority of Members Parties to such Proceedings are duly entitled to act.

Evidence of Proceedings at Meetings.

20. Any Minute made of Proceedings at a Meeting of a Board of Conservators, if signed by any Person purporting to be the Chairman of that Meeting, either at the Meeting of the Board at which such Proceedings took place, or at the next ensuing Meeting of the Board, shall be receivable in Evidence in all legal Proceedings without further Proof; and until the contrary is proved every Meeting of the Board in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified.

Enumeration of Powers of Board of Conservators.

21. A Board of Conservators shall have Power within their District to do the following Things, or such of them as they may in their Discretion think expedient; that is to say:

(1.) From Time to Time, by Writing under the Hand of the Chairman for the Time being of the Board, to appoint a sufficient Number of Water Bailiffs, to assign to them their Salaries and Duties, and to remove any Water Bailiff so appointed:

(2.) To issue such Licences for fishing as are provided by this Act:

(3.) To purchase any legal Rights to Weirs or other fixed Engines they may deem it expedient to purchase for the Benefit of the Fisheries in their District:

(4.) To take legal Proceedings against Persons violating the Provisions of this Act, or for removing such Weirs or other fixed Engines as they may be advised are illegal:

(5.) Generally to execute such Works, do such Acts, and incur such Expenses as they may deem expedient to be executed, done, or incurred for the Protection and Improvement of the Salmon Fisheries within their District, the Increase of Salmon, and the stocking of the Waters in their District therewith.

Power of Water Bailiff for Protection of Fisheries.

22. A Water Bailiff appointed under this Act may examine any Dam, Fishing Weir, Fishing Mill Dam, or fixed Engine within the Limits of his Fishery District, and any Owner or Occupier of any such Dam, Weir, or Engine refusing to any Water Bailiff Access to his Dam, Weir, or Engine, shall be liable to a Penalty not exceeding Five Pounds for each Offence.

A Water Bailiff may examine all Nets used in fishing; he may seize all illegal Nets and other Instruments of fishing, and all Fish and other Articles forfeited in pursuance of the Salmon Fishery Acts, 1861, 1864, and generally may act as a Constable for the Enforcement of the Provisions of the said Salmon Fishery Acts, and when so acting shall have all the same Powers and Privileges as a Constable duly appointed now has or may hereafter have within his Constablewick by virtue of the Common Law of this Realm, or of any Statutes made or to be made.

The Production of the Instrument of Appointment of a Water Bailiff executed in manner directed by this Act shall be sufficient Warrant for any Water Bailiff exercising the Authorities given by this Act.

Licences.

Issue of Licences.

23. In any Fishery District subject to the Control of a Board of Conservators, Licences shall be granted at fixed Prices to all Persons using any Rod for fishing for Salmon, and in respect of all Weirs, Nets, or other Instruments or Devices, except Rods, whereby Salmon are caught, and the Produce of such Licences shall be applied in defraying the Expenses of carrying into effect in such District the said Salmon Fishery Acts, 1861 and 1864.

Rules as to Licences.

24. The following Rules shall be observed with respect to the Licences granted in pursuance of this Act; that is to say,

(1.) A Licence for the Use of a Rod and Line shall be granted to the Person named therein, on Payment of the Sum of *One Pound;* it shall be available throughout all Fishery Districts within the Limits of the said Salmon Fishery Act, 1861, but shall not be transferable:

(2.) Licences for Weirs, Nets, and other Instruments or Devices, except Rods and Lines for catching Salmon, shall be granted on Payment of such Sums not exceeding the Sums specified in the Schedule hereto as may from Time to Time be determined by the Board of Conservators of the District, with the Approval of One of Her Majesty's Principal Secretaries of State; Licences for Weirs, Nets, or other such Instruments or Devices as aforesaid, shall be available only for the Use of the Persons, within the Districts, and in respect of the Instruments or Devices to whom, within, and in respect of which the same are respectively granted:

(3.) Any Person for the Time being entitled to an exclusive Right of fishing for Salmon in any River or Part of a River, may, upon Application to the Conservators of the District, obtain a General Licence; and such General Licence shall enable the Licensee or any Person authorized by him in Writing under his Hand, without any other Licence, to fish for Salmon in any legal Manner in such River or Part of a River: There shall be paid for such General Licence such Sum as the Conservators may from Time to Time determine, with the Sanction of the said

Secretary of State, having regard to the Extent and Productiveness of the Fishery, and to the Nature of the Instruments or Devices used for catching the Fish:

(4.) A General Licence shall not be of any Validity beyond the Limits to which it refers, nor shall it confer any Right to fish in any Place or at any Time in or at which the Licensee is not otherwise entitled to fish:

(5.) All Licences granted in pursuance of this Act shall be available only during the Fishing Season of the Year for which they are granted:

(6.) Licences granted in pursuance of this Act shall be issued by the Conservators of each District, in such Form, and be distributed in such Manner, as they may from Time to Time direct.

Penalty on fishing with Rod without Licence.

25. From and after the Appointment of a Board of Conservators in any Fishery District, any Person fishing in that District with a Rod and Line for Salmon, without a proper Licence, shall be liable to a Penalty not exceeding *Five Pounds*, and not less than *Two Pounds*.

Penalty on fishing at Weirs or with Nets without Licence.

26. From and after the Appointment of a Board of Conservators in any Fishery District, any Person using within that District any Weir, Net, or other Instrument or Device, not being a Rod and Line, for catching Salmon, without having a proper Licence for the same, shall be liable to a Penalty of not less than double the Amount to be paid for the requisite Licence, and not exceeding Twenty Pounds.

In the Case of Weirs or other fixed Engines, the Person entitled to the Salmon captured at such Weir or other Engine shall be liable to the Penalty hereby imposed for Want of a Licence, unless such Person proves to the Justices before whom the Case is tried that the Weir or other Engine was used for the Capture of Salmon against his Orders and without his Privity or Consent, in which Case the Person actually using the Weir or other Engine shall be liable to the Penalty.

Production of Licence.

27. Any Licensee under this Act on producing his Licence, any Water Bailiff appointed in pursuance of this Act on producing the Instrument appointing him, and any Officer of Police or other Constable, may require any Person found fishing with a Rod and Line, Nets, or other Instruments, to produce his Licence; and the Person required to produce the same shall, if he do not produce the same, or make a reasonable Excuse for the Nonproduction thereof, be liable to a Penalty not exceeding One Pound.

Payment of Penalties to Conservators in certain Cases.

28. Where any Penalty is recovered on the Complaint of a Board of Conservators or of any Officer of or Person authorized by a Board of Conservators, the Court shall, unless for special Reason they think it inexpedient so to do, direct the whole of the Penalty to be paid to the said Board, to be applied by them for the Purposes of the Salmon Fishery Acts, 1861, 1864.

Audit of Accounts of Board.

29. An Account of the Receipts and Disbursements of every Board of Conservators, in such Form and with such Particulars as may be required by the Court of Quarter Sessions that appoints the Board, or in the Case of a Joint Board by the Court of Quarter Sessions of the Audit County, shall be laid annually before such Courts of Quarter Sessions as aforesaid, and the Justices assembled at such Courts may disallow any Item that they consider to be illegal.

SCHEDULE.

Maximum Scale of Licence Duties for each Engine, Net, Instrument, or Device used in Salmon Fishing.

Draft Nets or Seines - - - - -
Trammel Nets or Hang Nets - - - -
Coracle Nets or Nets used by means of Coracles -
For each Putt or Putcher Basket - - -
For each Crib, Cruive, Box, or Trap in any Weir for taking Salmon - - - - -
For other Nets or Engines not named, and not being a Rod and Line, such Licence Duties as may be fixed, with the Sanction of One of Her Majesty's Principal Secretaries of State, by the Conservators appointed under this Act.

Salmon Fishery Act (1861) Amendment.

A

BILL

To amend "The Salmon Fishery Act, 1861."

(*Prepared and brought in by Mr. Baring and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1864.

[Bill 243.]

Under 2 oz.

A

B I L L

INTITULED

An Act to remove Disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in Scotland.

Preamble.

32 G. 3. c. 63.

Sec. 9.

3 & 4 Vict. c. 33.

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His Majesty King George the Third, intituled "An Act for granting Relief to Pastors, "Ministers, and Lay Persons of the Episcopal Communion in "Scotland:" And whereas by the Ninth Section of the said Act it is provided and declared that "no Person exercising the Function or "assuming the Office and Character of a Pastor or Minister of any "Order in the Episcopal Communion in Scotland as aforesaid shall "be capable of taking any Benefice, Curacy, or other Spiritual "Promotion within that Part of Great Britain called England, the "Dominion of Wales, or the Town of Berwick-upon-Tweed, or of "officiating in any Church or Chapel within the same, where the "Liturgy of the Church of England as now by Law established is "used, unless he shall have been lawfully ordained by some Bishop "of the Church of England or of Ireland:" And whereas an Act was passed in the Third and Fourth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act to make certain Provi- "sions and Regulations in respect to the Exercise within England

" and Ireland of their Office by the Bishops and Clergy of the " Protestant Episcopal Church in Scotland; and also to extend " such Provisions and Regulations to the Bishops and Clergy of " the Protestant Episcopal Church in the United States of America; " and also to make further Regulations in respect to Bishops and " Clergy other than those of the United Church of England and " Ireland," by which Act the Provisions in the said Ninth Section of the said first-recited Act were altered, extended, and amended: And whereas it is expedient that the Disabilities affecting the Bishops and Clergy of the said Protestant Episcopal Church in Scotland imposed by the said recited Acts should be removed, and for that Purpose that the said recited Acts should be in part repealed: And whereas by an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty King George the Third, intituled " An Act to permit the Archbishops of Canterbury and " York and the Bishop of London for the Time being to admit " Persons into Holy Orders specially for the Colonies," it is enacted, that " no Person who shall have been admitted into Holy Orders " by the Bishops of Quebec, Nova Scotia, or Calcutta, or by any other " Bishop or Archbishop than those of England or Ireland, shall " be capable of officiating in any Church or Chapel of England or " Ireland, without special Permission from the Archbishop of the " Province in which he proposes to officiate, or of having, holding, " or enjoying, or of being admitted to, any Parsonage or other " Ecclesiastical Preferment in England or Ireland, or of acting as " Curate therein, without the Consent and Approbation of the " Archbishop of the Province and also of the Bishop of the Diocese " in which any such Parsonage or Ecclesiastical Preferment or " Curacy may be situated:" And whereas Doubts may arise after the passing of this Act whether the Provisions of the said last-recited Act would apply to Persons admitted into Holy Orders by Bishops of the Protestant Episcopal Church in Scotland, and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

59 G. 3. c. 60.

Sec. 9. of 32 G. 3. c. 63. repealed.

1. The said Ninth Section of the said first-recited Act is hereby repealed.

3 & 4 Vict. c. 33. in part repealed.

2. The said second-recited Act, so far only as it relates to the Protestant Episcopal Church in Scotland, or the Bishops and Clergy thereof, is hereby repealed.

3. The

As to Application of Provisions of 59 G. 3. c. 60.

3. The Provisions and Enactments of the said last-recited Act shall not be or be held to be applicable to any Person admitted into Holy Orders by a Bishop of the Protestant Episcopal Church in Scotland.

Persons admitted into Holy Orders by Bishops in Scotland not to be admitted to Benefices, &c. in England or Ireland without Consent of Bishop of the Diocese.

4. No Person admitted into Holy Orders by any Bishop of the Protestant Episcopal Church in Scotland shall be entitled to be admitted or instituted to any Benefice or other Ecclesiastical Preferment in England or Ireland, without the Consent and Approbation of the Bishop of the Diocese in which such Benefice or other Ecclesiastical Preferment may be situated; and any such Bishop shall be entitled to refuse such Consent and Approbation without assigning Reason for such Refusal, any Law or Practice to the contrary notwithstanding; and every such Person seeking to be admitted or instituted to such Benefice or other Ecclesiastical Preferment, or to be licensed to any Curacy, shall, before being admitted, instituted, or licensed, make and subscribe before such Bishop every such Declaration and Subscription as he would by Law have been required to make and subscribe at his Ordination if he had been ordained by a Bishop of the United Church of England or Ireland: Provided always, that the Provisions of this Section shall not apply to any such Person who shall hold or shall have held any Benefice or Ecclesiastical Preferment in England or Ireland.

Penalty on such Persons officiating in certain Cases without Consent of Bishop.

5. Any Person admitted into Holy Orders by any Bishop of the Protestant Episcopal Church in Scotland, and who does not hold or who has not held any Benefice or Ecclesiastical Preferment in England or Ireland, who shall knowingly officiate on more than One Day within Three Months in any Church or Chapel in any Diocese in England or Ireland, without notifying the same to the Bishop of the Diocese in which such Church or Chapel is situate, or who shall officiate contrary to any Injunction of the Bishop of the Diocese under his Hand and Seal, shall for every such Offence forfeit and pay the Sum of Ten Pounds to the Governor of Queen Anne's Bounty, to be recovered by Action of Debt, brought in the Name of the Treasurer of the said Bounty, in any of Her Majesty's Courts of Record at Westminster, or in the Court of Session in Scotland at the Suit of the Public Prosecutor.

Scottish Episcopal Clergy Disabilities Removal.

A

BILL

INTITULED

An Act to remove Disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in Scotland.

(*Brought from the Lords* 17 *June* 1864.)

Ordered, by The House of Commons, *to be Printed,*
17 *June* 1864.

[Bill 161.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law of Scotland in regard to the Hiring of Servants.

WHEREAS by the Law of Scotland a general Hiring of Domestic Servants is presumed to be a Hiring for Six Months, and a Hiring of Farm Servants is presumed to be a Hiring for a Year or for Six Months, according to the Usage of the District in which it takes place: And whereas this Rule has been found to be productive of Inconvenience to both Masters and Servants: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Hiring of Servants not to be deemed for any definite Period, but to continue until Expiry of One Month's Notice by Master or Servant.

1. From and after the *passing of this Act* the Hiring of a Domestic Servant or of a Farm Servant, unless stipulated by Agreement in Writing, signed by both Master and Servant, or by some one on his or their Behalf having Authority so to do, to be for a specific Term, shall not be deemed to be a Hiring for any definite Term of Endurance, but such Hiring, unless so stipulated, shall be deemed to be indefinite in regard to its Term of Endurance, and shall continue and endure until the Expiry of One Month after either the Master or the Servant shall have given Warning to the

other that he desires the Hiring to be terminated, and at the Expiry of such Month the same shall cease and determine accordingly: Provided always, that it shall be competent to the Master, in place of giving and abiding such Month's Warning, to terminate the said Hiring at any Time on paying to the Servant a Month's Wages, and also a Month's Board Wages in Cases where the Servant is entitled to Board Wages.

Act not to affect Hirings at Day's Wages, or Cases of Breach of Contract.

2. Nothing in this Act contained shall extend to or affect the Hiring and Engagement of Labourers or Workpeople employed at Day's Wages or for particular Jobs, nor alter or affect the Right of either the Master or the Servant to terminate the Hiring in consequence of Breach of Contract by the other.

Servants Hiring
(Scotland).

A

BILL

To amend the Law of Scotland in regard
to the Hiring of Servants.

(Prepared and brought in by
Mr. Dunlop, Mr. Carnegie, and Sir R. Anstruther.)

Ordered, by The House of Commons, *to be Printed,*
12 *May* 1864.

[Bill 108.]

Under 1 *oz.*

A

BILL

INTITULED

An Act to further amend The Settled Estates Act of 1856.

Preamble.

19 & 20 Vict. c. 120.

WHEREAS by the Tenth Section of the Act passed in the Parliament holden in the Nineteenth and Twentieth Years of Her Majesty's Reign, intituled "An Act to "facilitate Leases and Sales of Settled Estates," it was enacted, that when the Court of Chancery should deem it expedient that any general Powers of leasing any Settled Estates, conformably to the said Act, should be vested in Trustees, it might, by Order, vest any such Power accordingly either in the existing Trustees of the Settlement or in any other Persons, and that in every such Case the Court, if it should think fit, might impose any Conditions as to Consents or otherwise on the Exercise of such Power: And whereas, in order to protect the Interests of Persons interested in the Settled Estates affected by such Powers, the Practice of the said Court has been to require that Leases granted in pursuance of a Power vested in any Trustees or other Persons, under the Provisions of the said Tenth Section of the said Act, should be settled by the said Court or by a Judge thereof; or otherwise should be made conformable with a model Lease deposited in the Chambers of the Judge: And whereas the Introduction of such a Condition has been found to occasion Delay and Expense, and so to create great

Difficulties in carrying into execution the Objects of the Act, and such Conditions may in general be safely omitted, and it is therefore expedient that the said Act should be amended as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Conditions that Leases shall be settled by the Court not to be inserted in Orders under s. 10. of recited Act.

1. In Orders to be hereafter made under the said Tenth Section for vesting any Powers of leasing in any Trustees or other Persons, no Condition shall be inserted requiring that the Leases thereby authorized should be submitted to or be settled by the said Court or a Judge thereof, or be made conformable with a model Lease deposited in the Judge's Chambers, save only in any Case in which the Parties applying for the Order may desire to have any such Condition inserted, or in which it shall appear to the Court that there is some special Reason rendering the Insertion of such a Condition necessary or expedient.

Conditions already inserted may by Court be struck out.

2. In all Cases of Orders already made in pursuance of the said Tenth Section, in which any such Condition as aforesaid has been inserted, it shall be lawful for any Party interested to apply to the Court to alter and amend such Order, by striking out such Condition, and the Court shall have full Power to alter the same accordingly, and the Order so altered shall have the same Validity as if it had originally been made in its altered State; but nothing herein contained shall make it obligatory on the Court to act under this Clause in any Case in which from the Evidence which was before it when the Order sought to be altered was made, or from any other Evidence, it shall appear to the Court that there is any special Reason why in the Case in question such a Condition is necessary or expedient.

Act to be construed with recited Act.

3. This Act shall be construed and dealt with as Part of the said former Act as amended by the Act of the Twenty-first and Twenty-second Years of Her Majesty's Reign, Chapter Seventy-seven, and all Proceedings under this Act shall be subject to the same Rules and Orders, and shall be conducted in the same Manner, as Proceedings under the said former Acts.

Extent of Act.

4. This Act shall extend to Ireland, but not to Scotland.

Settled Estates Act Amendment.

A

BILL

INTITULED

An Act to further amend The Settled Estates Act of 1856.

(*Brought from the Lords* 18 *April* 1864.)

Ordered, by The House of Commons, *to be Printed,*
9 *June* 1864.

[Bill 142.]

Under 1 *oz.*

A
BILL
TO
Authorize the Lords Commissioners of the Treasury to make Provision in regard to the Salaries of certain Sheriffs Substitute in Scotland.

Preamble.
16 & 17 Vict. c. 80.

WHEREAS by an Act passed in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Eighty, it was provided that it should be lawful to grant to any salaried Sheriff Substitute then in Office, or his Successor, or to any Sheriff Substitute thereafter to be appointed under the said Act, such Salary as to the Commissioners of Her Majesty's Treasury might seem meet, the same not in any Case exceeding One thousand Pounds by the Year and not less than Five hundred Pounds by the Year: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Increase of Salaries of Two senior Sheriffs Substitute of Edinburgh and Glasgow.

1. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury to grant to the Two senior Sheriffs Substitute of Edinburgh, and the Two senior Sheriffs Substitute of Glasgow, a Salary not exceeding *Pounds* by the Year, anything in the said Act notwithstanding.

Sheriffs Substitute.

A

BILL

To authorize the Lords Commissioners of the Treasury to make Provision in regard to the Salaries of certain Sheriffs Substitute in Scotland.

(*Prepared and brought in by*
Mr. Massey, The Lord Advocate, and
Sir William Dunbar.)

Ordered, by The House of Commons, *to be Printed,*
21 *June* 1864.

[Bill 164.]

Under 1 *oz.*

191

A

BILL

TO

Amend an Act of the present Session, Chapter Eighteen, as to the Stamp Duties on certain Letters or Powers of Attorney.

Preamble. 27 & 28 Vict. c. 18.

WHEREAS by an Act passed in the present Session of Parliament, Chapter Eighteen, certain Stamp Duties are granted and imposed for and upon any Letter or Power of Attorney for the Sale, Transfer, or Acceptance of any of the Government or Parliamentary Stocks or Funds, and also for and upon any Letter or Power of Attorney for the Receipt of Dividends of any such Stocks or Funds; and Doubts have arisen whether both the said Duties may not be chargeable upon one and the same Instrument: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Letters of Attorney for the Sale, Transfer, or Acceptance of Government

1. No Letter or Power of Attorney made for the Sale, Transfer, or Acceptance of any of the Government or Parliamentary Stocks or Funds, and duly stamped in that Behalf, shall be chargeable with any further or other Stamp Duty by reason of its containing therein

Stock not to be chargeable with further Stamp Duty by reason of their authorizing the Receipt of Dividends.

therein any Authority for the Receipt of Dividends on any such Stocks or Funds.

Letters requesting that Dividends or Interest of Stocks, Funds, or Shares may be paid to Nominees of Proprietors not to be chargeable with Stamp Duty as Letters of Attorney.

2. And whereas Doubts have arisen as to whether certain Letters or Writings herein-after described are chargeable with Stamp Duty as Letters or Powers of Attorney: Be it enacted, That no Letter or other Writing under Hand only containing any Request or Direction to any Joint Stock or other Company or Society, or to any Secretary, Treasurer, or other Officer thereof, or to any Banker, by the Owner or Proprietor of any Stocks, Funds, or Shares of or in any such Company or Society, to pay the Dividends or Interest arising from any such Stocks, Funds, or Shares to any Person named in such Order, Request, or Direction, shall be chargeable with Stamp Duty as a Letter or Power of Attorney.

Stamp Duties Act (1864) Amendment.

A

B I L L

To amend an Act of the present Session, Chapter Eighteen, as to the Stamp Duties on certain Letters or Powers of Attorney.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1864.

[Bill 225.]

Under 1 *oz.*

A

B I L L

FOR

The better Regulation of Street Music within the Metropolitan Police District.

Preamble.
2 & 3 Vict. c. 47. s. 57.

WHEREAS by Section Fifty-seven of the Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act for further improving the Police in and near the Metropolis," it was enacted, that any Householder within the Metropolitan Police District might require any Street Musician to depart from the Neighbourhood of the House of any such Householder, on account of the Illness of any Inmate of such House, or for other reasonable Cause: And whereas the said Provision has been found insufficient for the Protection of such Householders from Annoyance by Street Musicians: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of recited Provision, and Substitution of amended Provision.

1. Section Fifty-seven of the said Act is hereby repealed, and in lieu thereof the following Provision shall take effect as Part of the said Act; namely, any Householder within the Metropolitan Police District, personally, or by his Servant, or by any Police Constable, may require any Street Musician or Singer to depart from the Neighbourhood of the House of such Householder, and every Person who shall sound or play upon any Musical Instrument or shall sing in any Thoroughfare near any such House after being so required to depart shall be liable to a Penalty not more than *Forty Shillings;* and it shall be lawful for any Constable belonging to the Metropolitan Police Force to take into Custody without Warrant any Person who shall offend as aforesaid.

Street Music (Metropolis).

A

B I L L

For the better Regulation of Street Music within the Metropolitan Police District.

(Prepared and brought in by
Mr. Bass, Captain Stacpoole, and Mr. Cavendish Bentinck.)

Ordered, by The House of Commons, *to be Printed,*
4 *May* 1864.

[Bill 90.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The better Regulation of Street Music within the Metropolitan Police District.

WHEREAS by Section Fifty-seven of the Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled "An Act for further improving the Police in and near the Metropolis," it was enacted, that any Householder within the Metropolitan Police District might require any Street Musician to depart from the Neighbourhood of the House of any such Householder, on account of the Illness of any Inmate of such House, or for other reasonable Cause: And whereas the said Provision has been found insufficient for the Protection of such Householders from Annoyance by Street Musicians: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
2 & 3 Vict. c. 47. s. 57.

1. Section Fifty-seven of the said Act is hereby repealed, and in lieu thereof the following Provision shall take effect as Part of the said Act; namely, any Householder within the Metropolitan Police District, personally, or by his Servant, or by any Police Constable, may require any Street Musician or Street Singer to depart from the

Repeal of recited Provision, and Substitution of amended Provision.

the Neighbourhood of the House of such Householder, on account of the Illness, or on account of the Interruption of the ordinary Occupations or Pursuits of any Inmate of such House, or for other reasonable or sufficient Cause; and every Person who shall sound or play upon any Musical Instrument or shall sing in any Thoroughfare or public Place near any such House after being so required to depart, shall be liable to a Penalty not more than *Forty Shillings*, or, in the Discretion of the Magistrate before whom he shall be convicted, may be imprisoned for any Time not more than Three Days, and it shall be lawful for any Constable belonging to the Metropolitan Police Force to take into Custody without Warrant any Person who shall offend as aforesaid: Provided always, he shall be given into Custody by the Person making the Charge: Provided also, that the Person making a Charge for an Offence against this Act shall accompany the Constable who shall take into Custody any Person offending as aforesaid to the nearest Police Station House, and there sign the Charge Sheet kept for such Purpose.

Treatment of Charge brought to Police Court while shut.

2. Whenever any Person charged with an Offence under this Act shall be brought to any Station House during the Time when the Police Court shall be shut, it shall be lawful for the Constable in charge of the Station House to require the Person making the Charge to enter into a Recognizance conditioned as is provided by the Act passed in the Second and Third Years of Her Majesty, Chapter Forty-seven, Section Seventy-two; and, upon the Refusal of such Person to do so, it shall be lawful for such Constable to discharge from Custody the Person so charged.

Street Music (Metropolis).

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B I L L

[AS AMENDED IN COMMITTEE]

For the better Regulation of Street Music within the Metropolitan Police District.

(Prepared and brought in by
Mr. Bass, Captain Stacpoole, and Mr. Cavendish Bentinck.)

Ordered, by The House of Commons, *to be Printed,*
1 *July* 1864.

[Bill 186.]

Under 1 *oz.*

Summary Procedure (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

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Act 11 & 12 Vict. cap. 43. not to be applicable to Proceedings in Scotland; 31.

Proceedings may be in Forms prescribed by this or other Acts; 32.

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23 *February* 1864. 27 Vict.

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BILL

TO

Make Provision for Uniformity of Process in Summary Criminal Prosecutions, and Prosecutions for Penalties in the Inferior Courts in Scotland.

Preamble.

9 G. 4. c. 29

11 G. 4. & 1 W. 4. c. 37.

19 & 20 Vict. c. 48.

WHEREAS by an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled " An Act " to authorize additional Circuit Courts of Justiciary to " be held, and to facilitate Criminal Trials in Scotland," Provision was made for the summary Prosecution of Offences before Sheriffs of Counties in certain Cases; which Act was amended by an Act passed in the Eleventh Year of the Reign of King George the Fourth and the First Year of the Reign of King William the Fourth, intituled " An Act to amend an Act of the Ninth Year of " His late Majesty King George the Fourth, to facilitate Criminal " Trials in Scotland, and to abridge the Period now required " between the pronouncing of Sentence and Execution thereof, in " Cases importing a Capital Punishment:" And whereas by an Act passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled " An Act for amending the Procedure before Magistrates and Justices of Peace in Scotland," the Provisions of the recited Acts with respect to summary Prosecutions were in certain Cases made applicable to Prosecutions before Justices of the Peace in Scotland: And whereas by an Act passed in the Seventh Year of the Reign of King William the Fourth and the First Year of the Reign of Her present Majesty, intituled "An Act for the more effectual Recovery of Small Debts "in the Sheriff Courts, and for regulating the Establishment of "Circuit Courts for the Trial of Small Debt Causes by the Sheriffs "in Scotland," Provision was made for the Recovery of statutory Penalties by way of Action in the Sheriff Court in certain Cases: And whereas it is expedient to make further and more effectual Provision for the Trial of Offences punishable on summary Conviction, and for the summary Recovery of Penalties in the Inferior Courts in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

7 W. 4. & 1 Vict. c. 41.

Short Title.

1. This Act may be cited for all Purposes as "The Summary "Procedure (Scotland) Act, 1864."

Interpretation.

2. The following Words in this Act shall have the Meanings hereby assigned to them, unless such Meanings shall be excluded by the Subject or Context:

"Act of Parliament" and "Act" shall mean any Public General or Local and Personal Act of Parliament now in force or hereafter to be passed:

"Court" shall mean any Sheriff Court or Burgh Court, or any Court of Justices of the Peace for any County or City in Scotland, whether in Quarter or Petty Sessions, and any Sheriff, Magistrate of any Burgh, or Justice or Justices of the Peace for any County or City in Scotland, acting under the Authority of any Act of Parliament, in any Matter which may lawfully be brought before him or them, in the Manner provided by this Act:

"Judge" shall mean any Sheriff, Magistrate of any Burgh, or any Justice of the Peace, whether acting alone or in conjunction with any other Justice or Justices of the Peace for the same County or City in Scotland:

"Magistrate" shall mean any Magistrate of any Burgh in Scotland having Jurisdiction:

"Sheriff" shall include Sheriff Substitute:

"Justice" shall mean any of Her Majesty's Justices of the Peace for any County or City in Scotland, acting within such County or City:

"Witness" shall include Haver:

"Oath" shall include Affirmation, in Cases where Affirmations may lawfully be taken in place of Oaths:

"Penalty" shall mean any Sum of Money which may, under the Authority of any Act of Parliament, be recoverable from any Person in respect of the Contravention of any statutory Requirement or Prohibition, and also any Sum which may, under the Provisions of any Act of Parliament be recoverable as a Penalty or Forfeiture, whether such Sum shall be payable to the Party complaining, prosecuting, or suing for the same, or shall be payable in whole or in part to any other Person, or be applicable to any other Use, and whether the Amount thereof is fixed by such statutory Provision, or is so fixed subject to a Power to modify or mitigate, or is in the Nature of a Penalty not exceeding a certain Sum, to be awarded by the Court or Judge who may take cognizance thereof.

3. The Provisions of this Act shall be applicable to—

Application of the Act.

(1.) All Proceedings before any Sheriff, Justice, or Magistrate, in Scotland, in virtue of the summary Jurisdiction conferred upon them or any of them, by the recited Acts, or any of them:

(2.) All Proceedings to be taken before any Sheriff, Justice, or Magistrate in Scotland, for the Prosecution of any Person who has committed, or is charged with having committed, any Offence or Act for which, under the Provisions of any Act of Parliament, he is liable, upon summary Conviction before any Sheriff, Magistrate or Justice, to be imprisoned or fined, or otherwise punished, or to be ordered to do or perform any Act and to be imprisoned in default of Performance:

(3.) All Proceedings for the Recovery of any Penalty, or Sum of Money in the Nature of a Penalty, which, under the Provisions of any Act of Parliament, may be recovered by summary Complaint or Information, or by Poinding or Distress and Sale, or other summary Process or Diligence of the like Nature, before any Sheriff, Justice, or Magistrate:

(4.) All Proceedings for the Trial or Prosecution for any Offence or for the Recovery of any Penalty, under any Act of Parliament by which it shall be provided that Offences committed in contravention thereof or Penalties thereby imposed shall be prosecuted or recovered under the Provisions of this Act.

4. All Proceedings for summary Conviction for any Offence, whether at Common Law or under any Act of Parliament, and all Proceedings for the Recovery of any Penalty which may be sued for or recovered in a summary Form, whether such Proceedings are at the Instance of a public or private Prosecutor or Complainer, may be instituted by way of Complaint in one or other of the Forms set forth in the Schedule (A.) to this Act annexed; and in Cases in which there are more than One Act of Parliament having

Proceedings to be instituted by Complaint.

having relation to the same Offence or Class of Offences, it shall be sufficient in such Complaint to cite the latest Act, and to refer to the Acts therein recited; and no Objection shall be allowed by the Court to any such Complaint for any alleged Defect therein in Substance or in Form, or for any Variance between any such Complaint and the Evidence adduced on the Part of the Prosecutor or Complainer at the Hearing thereof; but if any such Objection or Variance shall appear to the Court to be such that the Respondent has been thereby deceived or misled, it shall be lawful for the Court to adjourn the Hearing to some future Day, and at the same Time to direct such Amendment to be made upon the Complaint as may appear to be requisite; and such Amendment shall be authenticated by the Signature or Initials of the Judge or Clerk of Court; and where it is necessary, in virtue of any statutory Provision, that any such Complaint should be supported by the Oath of the Complainer, or of a credible Witness, such Oath may be in the Form of the Schedule (B.) to this Act annexed.

Respondent may be cited to appear or apprehended on a Warrant.

5. On such Complaint being laid before the Court, it shall be lawful for the Court to grant Warrant to cite the Respondent personally, or by leaving a Copy of the Complaint with the Warrant of Citation annexed, at his last or usual Dwelling Place, in common Form, to appear before the Court on Induciæ of not less than *Forty-eight* Hours; or (where Apprehension is competent) to grant a Warrant for the Apprehension and interim Detention of the Respondent: Provided that where the Complaint shall pray for a Warrant of Apprehension, the Court may in its Discretion grant, in place of such Warrant, a Warrant for the Citation of the Respondent as aforesaid; and it shall be lawful to annex to such Warrant of Citation or Apprehension a Warrant to cite Witnesses and Havers for both Parties, and also (where such Procedure is otherwise competent,) a Warrant to search for and seize stolen Goods or other Articles mentioned in the Complaint.

Court may proceed in absence of Respondent, or issue a Warrant for his Apprehension.

6. If the Respondent after being cited shall fail to appear at the Time and Place mentioned in the Warrant of Citation, it shall be lawful for the Court, upon Proof by the Oath of an Officer of Court that the Respondent has been duly cited, either to proceed to hear and dispose of the Complaint in Absence of the Respondent, or to issue a Warrant in the Second Instance for his Apprehension and interim Detention; or the Court may in its Discretion adjourn the Hearing to a future Diet, with Liberty to the Respondent to appear at such adjourned Diet, and may appoint Intimation of such adjourned Diet to be made to the Respondent.

Execution of Warrants of Apprehension and Citation.

7. Every Warrant of Apprehension granted under the Authority of this Act may be executed by an Officer of the Court granting the Warrant, or, in the Case of Warrants granted by any Justice of the Peace, by a Constable of the County in which such Justice shall be acting; and such Warrant may be executed at any Place within the County or other Jurisdiction within which it is granted, or, in case of fresh Pursuit, at any Place in the next adjoining County or Jurisdiction, or in the County in which such Jurisdiction is contained, being within *Seven Miles* of the Border of such first-mentioned County, or Jurisdiction, without being endorsed; and every Warrant for the Citation of any Respondent or Witness may be executed within the Jurisdiction of the Court or Judge granting the same by any Officer of such Court, or, in the Case of Warrants granted by any Justice of the Peace, by a Constable as aforesaid; and all Citations and Executions under this Act may be in the Forms contained in the Schedules (F.) and (G.) to this Act annexed.

Execution of Warrants beyond the Jurisdiction of the Court.

8. The Provisions of the second-recited Act relative to the Execution of Warrants for the Citation of Witnesses, and the Execution of Sentences and of Decrees for Penalties and Expenses beyond the Jurisdiction of the Court or Judge by whom the same have been granted, shall be applicable to the Execution of Warrants for the Citation of Witnesses, and of Convictions and Judgments pronounced under the Authority of this Act; and any Warrant for the Citation or Apprehension of the Respondent in any Complaint under this Act, and any Warrant for the Apprehension of a Witness as herein-after provided, may be executed out of the Jurisdiction of the Court or Judge granting the Warrant, such Warrant being first produced to and endorsed by a Court or Judge of the County or Place in which it is to be executed, competent to have granted the Warrant in such County or Place; and the Provisions contained in an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "An Act to "facilitate the Performance of the Duties of Justices of the Peace "out of Sessions within England and Wales, with respect to "Persons charged with indictable Offences," for the Enforcement of Warrants granted by Sheriffs and Justices in Scotland by Indorsation in England or Ireland shall be applicable to Warrants granted by Magistrates of Burghs in Scotland; and the said Provisions are also hereby extended and made applicable to all Warrants issued in Scotland under the Authority of this Act.

11 & 12 Vict. c. 42.

Warrants may be issued for

9. If any Person cited as a Witness by a Warrant under the Authority of this Act, shall neglect or refuse to appear at the Time and

Apprehension of Witnesses.

and Place appointed by the Warrant, and no just Excuse shall be offered in his Behalf, it shall be lawful for the Court before whom such Person has been cited to appear, to issue a Warrant for his Apprehension; or, if the Court shall be satisfied by Evidence upon Oath that it is probable that such Person will not attend without being compelled so to do, it shall be lawful for the Court to issue a Warrant in the first instance for the Apprehension of such Person; and any Witness who shall refuse to be sworn or to be examined on Affirmation, or who after the Oath or Affirmation has been administered to him shall refuse to answer any Question which the Court shall allow, or to produce Documents in his Possession when required by the Court, may be summarily punished for his Contempt by Imprisonment for any Period not exceeding *Seven Days,* unless he shall in the meantime consent to be examined and to answer as required.

Respondent may require Adjournment of Diet, except when Complaint has been duly served.

10. Any Respondent brought before the Court by a Warrant of Apprehension under the Authority of this Act, or appearing voluntarily, shall be entitled to require a Copy of the Complaint, and also to require that the Hearing shall be adjourned for a Period not less than *Forty-eight* Hours after the Delivery of such Copy; and such Requisitions shall be complied with if made before the Examination of any Witness on the Merits shall have commenced; but no such Requisition shall be competent where a Copy of the Complaint shall have been delivered to the Respondent *Forty-eight* Hours before the Hearing.

Court may adjourn the Hearing and detain the Respondent.

11. Subject to the Provisions contained in the preceding Section, no Adjournment of the Hearing shall take place when the Respondent pleads Not Guilty, or at any other Stage of the Proceedings, unless the Court shall, in respect the Respondent has not had Time to prepare for his Defence, or for some other sufficient Reason, think fit to order an Adjournment: Provided, that where such Adjournment is made it shall be lawful for the Court to grant Warrant to detain the Respondent until the Period to which the Hearing shall be adjourned, or until he finds sufficient Caution to appear at all future Diets of the Court.

Signing of Convictions and Warrants.

12. Any Sheriff, Magistrate, or Justice, though out of his County or Jurisdiction, may sign any Conviction, Judgment, Warrant, or Interlocutor under this Act; provided the Evidence and every other Proceeding necessary to support such Conviction, Judgment, Warrant, or Interlocutor shall have been had before him when within his County or Jurisdiction.

As to Judgment of Absolvitor by Default and Abandonment of the Complaint.

13. If at the Diet appointed for the hearing of any Complaint, or at any adjourned Diet, the Prosecutor or Complainer shall fail to appear personally (or by Counsel or Agent where such Appearance is otherwise competent), or having appeared shall decline to insist in his Complaint, the Court shall pronounce Judgment of Absolvitor, which Judgment, or a certified Copy thereof, shall be delivered to the Respondent if desired; and a Judgment of Absolvitor pronounced in a Complaint at the Instance of a Procurator Fiscal or other Party prosecuting for the Public Interest, may be pleaded in absolute Bar of any subsequent Complaint under the Authority of any Act of Parliament for the same Matter, whether at the same Instance or at the Instance of any private Prosecutor or Complainer: Provided, that in Cases where the First Complaint shall have been abandoned with Leave of the Court or Magistrate, in consequence of Objections to the Form thereof, or where the Diet shall have been deserted pro loco et tempore, Judgment of Absolvitor shall not be pronounced, but the Fact of Abandonment may be stated in the Form of an Endorsation upon the Complaint.

Procedure at Hearing in Presence of the Respondent.

14. Where the Respondent shall be present at the Hearing, the Substance of the Complaint shall be read or stated to him, and he shall thereupon be required to plead in common Form; and the Respondent may then state Objections to the Competency or Relevancy of the Complaint or Proceedings; and if no Objections are stated, or if such Objections are stated and repelled or are obviated by Amendment of the Complaint or Adjournment of the Diet as herein-before provided, the Respondent's Plea shall then or at such adjourned Diet be recorded, and the Plea shall be signed by the Respondent or by a Judge or the Clerk of Court if the Respondent cannot write; and the Prosecutor or Complainer shall thereupon proceed to establish his Complaint by legal Evidence or by such Evidence as is required by the Act of Parliament founded on, and the Respondent may afterwards lead such Evidence as is competent, and the Prosecutor may, with Permission of the Court, lead Evidence in replication; and before Judgment is pronounced each Party shall, subject to the Control of the Court, have liberty to address the Court upon the Evidence; and the Court may in its Discretion allow any Respondent to be heard by Counsel or Agent, and may, where the Complaint concludes for a pecuniary Penalty only in the first instance, dispense with the personal Attendance of the Respondent, and allow him to appear and plead by a Procurator of Court.

Procedure at Hearing in Absence.

15. Where the Court shall proceed to dispose of the Complaint in Absence of the Respondent, Judgment shall not be pronounced against him until the Complaint has been established to the Satisfaction of the Court by such Evidence as is requisite under the Act of Parliament founded upon.

Form of Record, and Court to note any Offer of Proof rejected.

16. It shall not be necessary in any Proceeding under the Authority of this Act to record the Evidence adduced, but the Record shall set forth in the Form of the Schedule (I.) to this Act annexed the Respondent's Plea, if any, the Names of the Witnesses, if any, examined upon Oath or Affirmation, and the Conviction or Judgment; and shall also, if either Party desire it, set forth in the Form of a Note, to be subscribed or initialed by the Judge (or in a separate Case, if otherwise competent), any Offer of Proof made by either of the Parties and refused to be admitted, any Objections to the Admissibility of Evidence sustained or repelled, and any Objections to the Relevancy or Competency of the Charge or Proceedings whether sustained or repelled; and the Court may require from the Party or his Agent a Suggestion in Writing of the Matter which he desires to have set forth in such Note, but shall not be bound to set forth the same in the Words suggested, and shall not be bound to note any Objections which in the Opinion of the Court are manifestly frivolous and untenable; and no Judgment pronounced under the Authority of this Act shall be challenged in any Process of Appeal, Suspension, Advocation, Reduction, or other Process of Review, upon any Objection or Ground of Appeal which might lawfully have been noted as aforesaid, unless, before Judgment, is signed the Party challenging such Judgment as aforesaid shall have desired the Court to note the same.

Proceedings may be either in Writing or printed.

17. The several Forms of Proceeding prescribed by in this Act may be either in Writing or printed, or may be partly written and partly printed; and all such Forms as bear reference to any antecedent Form may be either on the same Sheet of Paper therewith, or on a separate Sheet attached to it.

Application of Forms of Conviction, &c.

18. In Cases of Conviction or Judgment against the Respondent in Prosecutions and Proceedings under this Act, the Sentence of the Court may be in one or other of the Forms contained in the Schedule (K.) to this Act annexed, or as nearly as may be in such Form, according to the Nature of the Complaint, viz. :—

(1.) In Complaints for Offences at Common Law, punishable on summary Conviction, the Sentence of the Court shall be in the Form No. 1. in the said Schedule:

(2.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable on summary Conviction to be imprisoned, or to be imprisoned or fined in the Discretion of the Court, the Sentence of the Court awarding Imprisonment shall be in the Form No. 2. in the said Schedule:

(3.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to forfeit a Penalty or a Sum of Money in the Nature of a Penalty, and in default of Payment thereof to Imprisonment for a Period limited to a certain Time, at the Expiration of which he shall be entitled to Liberation although the Penalty has not been paid, the Judgment of the Court shall be in the Form No. 3. in the said Schedule:

(4.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to forfeit a Penalty or a Sum of Money in the Nature of a Penalty, which, under the Authority of the Act, may be recovered by Poinding or Distress and Sale, or other summary Process of Execution by Sale, and, in default of Payment or Recovery of the Penalty by such Process of Execution, the Accused is or shall be liable to be imprisoned for a Period limited as aforesaid, the Judgment and Warrant shall be in the Form No. 4. in the said Schedule:

(5.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to forfeit a Penalty or a Sum of Money in the Nature of a Penalty, which, under the Authority of the Act, may be recovered by Poinding, or Distress and Sale, or other summary Process of Execution by Sale, and where the Act also authorizes the Imprisonment of the Accused for a Period limited as aforesaid, then, unless Imprisonment be only authorized in default of Recovery by such Process of Execution, the Judgment of the Court may be in either of the Forms No. 4. or No. 5. of the said Schedule:

(6). In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to forfeit a Penalty or a Sum of Money in the Nature of a Penalty, and where no special Provision is made for the Recovery thereof, or for the Substitution of a Term of Imprisonment in default of Payment, and also in all Cases where, under the Authority of any Act of Parliament, such Penalty or Forfeiture is or shall be recoverable by Action, Civil Process, or Diligence, the Judgment of the Court shall authorize Execution by Arrestment, Poinding and Sale, and Imprisonment,

ment, and may be in the Form No. 6. in the said Schedule; and the Warrant of Imprisonment to be granted in pursuance of such Judgment may be in the said Form No. 6., and shall authorize the Detention of the Respondent until liberated in due Course of Law; and in all Cases where, under the Authority of any Act of Parliament, such Penalty or Forfeiture is or shall be declared to be recoverable by Arrestment, Poinding or Distress and Sale, or Imprisonment, whether for a specified Term or otherwise, or by any Combination of those Forms of Diligence other than as above provided for, the Judgment of the Court may be expressed in the said Form No. 6., so far as applicable, and no Warrant of Imprisonment shall be issued upon a Judgment in such Form until after the Period allowed for Execution by Arrestment or Poinding, except in the event mentioned in the said Form No. 6.:

(7.) In Complaints for the Contravention of any Act of Parliament by which the Court is or shall be authorized to ordain the Person contravening to do or perform any Act other than the Payment of Money, and where, in consequence of failing or neglecting to do or perform such Act, such Person shall be liable to be imprisoned for a Term to be specified in the Warrant of Imprisonment, the Judgment and Warrant may be in the Form No. 7. in the said Schedule; and such Judgment and Warrant may, if the Act of Parliament so require, be used in combination with a Judgment or Warrant in one or other of the Forms hereinbefore specified, and may, if the Act so require, be combined with a Judgment for Expenses, and Warrant for Recovery thereof, and for Imprisonment in default of Payment, in such Form as may be requisite:

(8.) Any Judgment of Absolvitor to be pronounced in any Complaint or Proceedings under this Act, may be in the Form No. 8. in the said Schedule:

Provided that the Court add to any of the Forms of Conviction or Judgment upon a statutory Penalty, such Finding of Expenses and Warrant for the Recovery thereof, and such other Finding or Declaration as may be required by the Act of Parliament founded on in the Complaint; and, if so required, the Court may add to any Warrant of Imprisonment contained in such Conviction or Judgment, or consequent thereon, a Direction that the Respondent shall be kept to Hard Labour during the whole or Part of the Term of his Imprisonment.

19. In cases in which a statutory Penalty is or shall be recoverable by Poinding or Distress and Sale, Arrestment, or other summary Process of Execution, and in which the Respondent is also liable to be imprisoned for a Term to be specified in the Warrant of Imprisonment, either immediately or in default of Recovery of the Penalty by Execution, the Court, in lieu of granting Warrant for Recovery by Poinding and Sale, may issue a Warrant for the immediate Imprisonment of the Respondent for any Term not exceeding the Term specified in the Act of Parliament, in one or other of the Forms appended to Nos. 4, 5, and 6 in Schedule (K.), but that only for one or other of the Causes specified in the said Schedule, the Cause of granting in all such Cases being specified in the Warrant: Provided, that no Sale shall be made in virtue of a Warrant granted under the Authority of this Act, unless the Goods are, at the appraised Value, sufficient to satisfy the Sums mentioned in the Judgment, and the Expenses of the Poinding and Sale.

Imprisonment may be awarded in place of Execution by Poinding and Sale.

20. When, in consequence of the Requirements of this Act or of any other Act of Parliament, it is necessary that any Warrant should be granted subsequent to the Conviction or Judgment of the Court, or when any other ulterior Proceeding is enjoined, the Forms and Directions respectively appended to the several Forms of Convictions and Judgments in Schedule (K.) may be used and observed, so far as the same are applicable.

Proceedings subsequent to Conviction.

21. In Cases in which under any Act of Parliament any Matter or Proceeding which may be dealt with under the Forms prescribed by this Act, or which is incidental thereto, is or shall be cognizable by *Two* or more Justices, it shall be sufficient that any Warrant or Proceeding to which the Subscription of such Justices is requisite, other than the Conviction or Judgment, shall be subscribed by *One* Justice; and it shall not be necessary that such Justice shall have been present at the Hearing of the Complaint; and the Conviction or Judgment shall in all Cases be signed by such Number of Justices present at the Hearing and concurring in the Result thereof, as may be required by such Act; and in case of an equal Division of Opinion among the Justices present, the Complaint shall be held to be not proved, and Judgment shall be given for the Respondent.

Signature of One Justice sufficient except to Conviction or Judgment.

22. It shall be lawful for any Person who shall be found liable in Payment of any Penalty or Money, by a Conviction or Judgment under this Act, to pay such Penalty or Money to the Clerk of

Penalties recovered may be paid over to Clerk of

Court or Keeper of Prison.

of the Court in which the Conviction or Judgment was pronounced, or to the Person acting as such Clerk at the Hearing of the Complaint; and if any Person found liable in Payment of any Penalty or Money shall pay the same to any Constable, Officer of Court, or other Person, such Officer, Constable, or Person shall forthwith pay the same to such Clerk; and if any Person committed to Prison, upon any such Conviction or Judgment, for Nonpayment of any Penalty or of any Money thereby ordered to be paid, shall desire to pay the same and Expenses, before the Expiration of the Time for which he shall be so ordered to be imprisoned by the Warrant for his Imprisonment, he may pay the same to the Keeper of the Prison in which he shall be so imprisoned, who, on receipt thereof, shall forthwith liberate such Prisoner, and such Keeper shall, without Delay, pay the same to such Clerk; and all Money so received by such Clerk shall forthwith be paid by him to the Party to whom the same is to be paid, according to the Direction of the Act of Parliament on which the Complaint has been founded, and if such Act shall contain no such Directions, then such Clerk shall pay the same to the Prosecutor or Complainer, in the summary Application under which such Penalty or Money has become exigible; and all Monies received by any Officer of Court acting under the Authority of this Act, in executing any Warrant of Poinding and Sale, shall be paid to the Clerk of the Court from which such Warrant was issued; and every such Clerk and every such Keeper of a Prison shall keep a true and exact Account of all such Monies received by him, of whom and when received, and to whom and when paid, in the Form of the Schedule (L.) to this Act annexed, which Account shall be open to the Inspection of any Person having Interest at all reasonable Times: Provided, that the Surplus of any Monies recovered by Poinding and Sale as aforesaid shall be immediately paid over by the Clerk of Court to the Party convicted, or his Family for his Use.

Court may award Expenses to or against private Complainer, although not authorized by Act.

23. In all Cases of Complaint under this Act for the Forfeiture of any statutory Penalty, it shall be lawful for the Court to make an Award of Expenses without the same being prayed for in such Complaint; but Expenses shall not be awarded to or against any Public Prosecutor or Party prosecuting under the Authority of any Act of Parliament for the Public Interest, unless such Award of Expenses is authorized by such Act: Provided, that in all Cases where a Complaint for the Forfeiture of a statutory Penalty is at the Instance of a private Complainer, it shall be lawful for the Court before which such Complaint is brought, and any Court before which any Judgment on such Complaint is afterwards brought by way of Review or Appeal, to award Expenses to the successful Party if the Court shall think fit; and such Expenses may be recovered and Imprisonment awarded in default of Payment or Recovery thereof, in the Manner and Form specified in the said Schedule (K.), in connexion with the several Forms of Convictions and Judgments therein contained, or, if necessary, by a separate Judgment for Expenses in such Form as may be appropriate.

Warrant of Imprisonment may be framed so as to take effect from the Expiration of a previous Sentence.

24. If, upon any Complaint presented under the Authority of this Act, a Warrant shall be issued for the Imprisonment of the Respondent pursuant to a Conviction or Judgment, and such Respondent shall then be in Prison undergoing Imprisonment for a specified Period, upon a Conviction for any Offence, or for Default in Payment of any Penalty or Expenses, or for Disobedience to any Order of Court, the Warrant of Imprisonment upon such subsequent Conviction or Judgment shall be forthwith delivered to the Keeper of the Prison to whom the same shall be directed, and it shall be lawful for the Court granting the same, if it shall think fit, to insert an Order therein to the Effect that the Imprisonment upon such subsequent Conviction or Judgment shall commence at the Expiration of the Imprisonment to which such Respondent shall have been previously sentenced or adjudged.

Time for bringing Complaints for Recovery of statutory Penalty or for Conviction for Offences.

25. In all Cases in which no Time is already, or shall be hereafter specially limited for instituting any Complaint for the Recovery or Forfeiture of any Penalty or Sum of Money, or for Conviction for any statutory Offence, punishable on summary Conviction, in the Act of Parliament relating to each particular Case, such Complaint shall be instituted within *Six Months* from the Time when the Matter of such Complaint arose.

Act not to extend to certain Warrants and Proceedings.

26. Nothing in this Act shall extend, or be construed to extend, to any Warrant or Order for the Removal of any poor Person who is or shall become chargeable to any Parish or District, nor to any Information or Complaint or other Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue, or under or by virtue of any statutory Provision for the Recovery of any Rate, Tax, or Impost whatsoever.

Where special Jurisdiction conferred on Police Court,

27. In Cases in which, under the Authority of any Act of Parliament, any Conviction may be obtained, or any Warrant ad factum præstandum or Judgment granted or pronounced, or any Penalty or

Forms of this Act may be used.

or Forfeiture or Expenses recovered, by way of summary Complaint before any Sheriff, Justice, or Magistrate, and it is also provided therein, or in any other Act of Parliament having reference thereto, that such Conviction or Warrant may be obtained, or Judgment pronounced, or Penalty or Expenses recovered, in any Police Court in Scotland, the Proceedings by this Act authorized may be taken in such Police Court with such and the like Remedies by Poinding and Sale, Imprisonment, or otherwise, as are herein provided in the Case of Convictions and Judgments obtained before Sheriffs, Magistrates, and Justices of the Peace; and the several Forms contained in the Schedules to this Act annexed may be varied so far as may be necessary to render them applicable to such Police Courts.

Jurisdiction of Inferior Courts not to be extended.

28. Nothing in this Act contained shall confer, or be construed to confer, upon any Sheriff, Justice, or Magistrate acting under the Authority of this Act, any other or more extensive Jurisdiction in relation to any Matter which may be made the Subject of Complaint, than is or shall be vested in such Sheriff, Justice, or Magistrate at Common Law, or under any Act of Parliament empowering such Sheriff, Justice, or Magistrate to take cognizance of such Matter of Complaint; nor shall anything in this Act contained affect any Right to sue by way of ordinary Action in the Court of Session or Sheriff Court in Scotland for the Recovery of any Penalty or Forfeiture, save and except as to the Right of suing for such Penalty or Forfeiture in the Sheriff Small Debt Court, in the Form provided in the fourth recited-Act.

Limits of Civil and Criminal Jurisdiction defined in respect to Proceedings by way of summary Complaint.

29. And whereas much Inconvenience has resulted from the Uncertainty which exists as to the Nature of the Jurisdiction conferred by various Acts of Parliament authorizing Convictions for Offences, and the Recovery of Penalties, and the Enforcement of Orders by Imprisonment, upon summary Complaint before Sheriffs, Justices, and Magistrates in Scotland; and it is expedient to define the Cases in which such Jurisdiction shall be held to be of a Criminal Nature: In all Proceedings by way of Complaint instituted in Scotland, in virtue of any such statutory Provisions as are herein-before mentioned, the Jurisdiction shall be deemed and taken to be of a Criminal Nature, where, in pursuance of a Conviction or Judgment upon such Complaint, or as Part of such Conviction or Judgment), the Court shall be required, or shall be authorized, in their Discretion, or in a certain Event, to pronounce Sentence of Imprisonment against the Respondent; or shall be authorized or required, in case of Default of Payment or Recovery of a Penalty or Expenses, or in Case of Disobedience to their Order, to grant

Warrant for the Imprisonment of the Respondent for a Period limited to a certain Time, at the Expiration of which he shall be entitled to Liberation; and in all other Proceedings instituted by way of Complaint, under the Authority of any Act of Parliament, the Jurisdiction shall be held to be Civil, and no Suspension or Advocation of such last-mentioned Proceedings shall be competent before the High Court of Justiciary in Scotland.

Prosecutors, Complainers, and Respondents admissible as Witnesses.

30. Any Prosecutor or Complainer in any Complaint or Proceedings under the Authority of this Act, shall be a competent Witness to support such Complaint, and may also competently be adduced as a Witness for the Respondent; and every Respondent in any such Proceeding as is herein-before declared to be of a Civil Nature in respect of Jurisdiction, may lawfully be examined as a Witness for either Party; and, except as herein provided, no Respondent in any Proceeding under this Act shall be competent or compellable to give Evidence.

Act 11 & 12 Vict. c. 43. not to be applicable to Proceedings in Scotland.

31. In Cases in which by any Act of Parliament the Provisions of an Act passed in the Eleventh and Twelfth Year of the Reign of Her present Majesty, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions "within England and Wales, with respect to summary Convictions "and Orders," are or shall be made applicable to Complaints or Informations under any such Act, the Provisions of the said Act of the Eleventh and Twelfth Year of Her Majesty's Reign shall not be applicable to any Proceedings under such Act when instituted in Scotland; but the Provisions of this Act shall be applicable to all such Proceedings as may, under the Authority of any such Act, be instituted before any Sheriff, Justice, or Magistrate in Scotland.

Proceedings may be in Forms prescribed by this or other Acts.

32. The Proceedings in any Action or Complaint for the Prosecution for Offences or Recovery of Penalties under any Act of Parliament may either be according to the Form prescribed by such Act or any Act incorporated therewith, or according to the Form prescribed by this Act.

Court of Session to provide for Execution of Act.

33. It shall be lawful for the Court of Session from Time to Time to pass such Acts of Sederunt, as may be necessary or proper for carrying into effect the Provisions of this Act, and any such Act of Sederunt may be passed as well in Vacation as during the ordinary Session of the said Court.

SCHEDULES referred to in this Act.

SCHEDULE A.

1. *Complaint praying for Conviction and Imprisonment or Fine.*

Unto the Honourable Her Majesty's Justices of the Peace for the County of [*or* Sheriff of the County of *or* Magistrates of the Burgh of *as the Case may be.*]

The Complaint of *A.B.*, Procurator Fiscal of Court [*or other Party entitled to prosecute with his Concurrence*:]

Humbly showeth,

That *J.K.*, [*Designation*] has been guilty of the Crime of Theft [*or other Crime*] Actor, *or* Art and part, in so far as on the Day of , or about that Time, he did [*here state the Particulars of the Offence, specifying particularly the Place where it was committed, and if necessary state*] and that the said *J.K.* has been previously convicted of the said Crime of Theft [*or other Crime*]:

May it therefore please your Honours [*or* Lordship] to grant Warrant to apprehend the said *J.K.*, and bring him before you [*or* to cite the said *J.K.* to appear before you] to answer to this Complaint, and thereafter to convict him of the said Crime, and to adjudge him to be imprisoned in the Prison of for a Period not exceeding [*or* to forfeit and pay a Sum not exceeding £].

According to Justice.

A.B. [*Signature of Public Prosecutor, or of Private Prosecutor with Concurrence annexed.*]

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2. *Complaint praying for Conviction in Terms of Act, and for Imprisonment or Forfeiture.*

Unto the Honourable Her Majesty's Justices of the Peace for the County of [*or* Sheriff of the County of *or* Magistrates of the Burgh of].

The Complaint of *A.B.*, Procurator Fiscal of Court [*or other Party entitled to prosecute under the Act*]:

Humbly showeth,

That *J.K.* [*Designation*] has contravened the Act [*add where necessary*, and Acts therein recited], in so far as on the Day of or about that Time he did [*state Particulars of Contravention, specifying the Place, and, if necessary, add,* and such Contravention is a 'first,' 'second,' &c., 'Offence,' or 'an Offence subsequent to the Offence,'

Offence,' *as may be required*], whereby the said *J.K.* has forfeited the Sum of £ [*or* a Sum not exceeding £ , *or* is liable to be imprisoned for a Period not exceeding .]

May it therefore please your Honours [*or* Lordship] to grant Warrant to apprehend the said *J.K.*, and bring him before you [*or* to cite the said *J.K.* to appear before you] to answer to this Complaint, and thereafter to convict him of the aforesaid Contravention, and to adjudge him to suffer the Penalties provided by the said Act [or Acts, or any of them.]

[*Where a Warrant ad factum præstandum is desired, it must be specially prayed for.*]

According to Justice.

A.B. [*Signature of Prosecutor or Complainer.*]

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3. *Complaint praying for Forfeiture of Statutory Penalty.*

Unto the Honourable Her Majesty's Justices of the Peace for the County of [*or* Sheriff of the County of *or* Magistrates of the Burgh of]

The Complaint of *A.B.* [*Designation. If for the Public Interest, state so*]:

Humbly showeth,

That *J.K.* [*Designation*] has contravened the Act [*add where necessary,* and Acts therein recited,] in so far as on the Day of or about that Time, he did [*state Particulars of Contravention, specifying the Place,*] whereby the said *J.K.* has forfeited the Sum of £ [*or* a Sum not exceeding £ .]

May it therefore please your Honours [*or* Lordship] to grant Warrant to cite the said *J.K.* to appear before you [*or* to grant Warrant to apprehend the said *J.K.* and to bring him before you] to answer to this Complaint and thereafter to adjudge the said *J.K.* to forfeit and pay [to the Complainer *or* , *as the Case may be*] the Penalties specified in the said Act [or Acts, or any of them].

According to Justice.

A.B. [*Signature of Complainer.*]

SCHEDULE B.

Oath of Verity.

At the Day of In presence of

Compeared *A.B.*, the Complainer, [*or* a credible Witness, *as the Case may be,*] who, being solemnly sworn, depones that what is contained in the foregoing Petition is true, as he shall answer to God.

[*Signature of Complainer.*]
[*Signature of Judge.*]

SCHEDULE C.

Warrant for Citation of Respondent.

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to serve a Copy of this Complaint and of this Deliverance upon the therein-named and designed *J.K.*, and to cite him to appear personally to answer thereto at [*Court House or Place*] upon the Day of at o'Clock noon, with Certification, and also to cite Witnesses or Havers for both Parties for the same Time and Place.*

[*Signature of Judge.*]

SCHEDULE D.

1. *Warrant for Apprehension of Respondent in the First Instance.*

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to search for and apprehend *J.K.*, named and designed in the foregoing Complaint, and, if necessary for that Purpose, to open any shut or lockfast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of , [*or* the Sheriff of the County of , *or* a Magistrate of the Burgh of ,] to answer thereto at [*Court House or Place*], and in the meantime to detain him for such Period, not exceeding Forty-eight Hours, as may be necessary; and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge.*]

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2. *Warrant for Apprehension of the Respondent in the Second Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect *J. K.*, named and designed in the foregoing Complaint, has failed to appear to answer thereto after being duly cited to this Diet, grants Warrant to Officers of Court to search for and apprehend the said *J. K.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of ,] and in the meantime to detain him for such Period not exceeding Forty-eight Hours, as may be necessary; and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge.*]

* [*A Warrant to search for Stolen Goods or other Search Warrant may be prayed for in the Complaint, and included in the Warrant of Citation or Apprehension, if otherwise competent.*]

SCHEDULE E.

1. *Warrant for the Apprehension of a Witness in the First Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect it has been made to appear to him upon Oath that *E. F.* [*Designation*] is likely to give material Evidence for the Prosecution in the foregoing Complaint [*if the Complaint is on a separate Paper, describe it by the Names of the Parties and Date of Presentation*], and that it is probable that the said *E. F.* will not attend to give Evidence without being compelled so to do, grants Warrant to Officers of Court to apprehend and detain the said *E.F.*, and if necessary for that Purpose, to open any shut or lockfast Places, and to bring and have him on the Day of at o'Clock Noon, before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to bear Witness for the Prosecution in the foresaid Complaint.

[*Signature of Judge.*]

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2. *Warrant for the Apprehension of a Witness in the Second Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect that *E. F.* [*Designation*] has failed to appear after having been duly cited to bear Witness for the Prosecution [*or* for the Respondent] in the foregoing Complaint [*if the Complaint is on a separate Paper, describe it by the Names of the Parties and Date of Presentation*], and no just Excuse has been offered on his Behalf, grants Warrant to Officers of Court to apprehend and detain the said *E. F.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and to bring and have him on the Day of at o'Clock Noon, before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to bear Witness for the Prosecution [*or* for the Respondent] in the foresaid Complaint.

[*Signature of Judge.*]

SCHEDULE F.

1. *Citation of Respondent.*

To *J.K.* [*Designation.*]

Take Notice that you are required to appear personally at the Place and Time specified in the foregoing Warrant, to answer to the Complaint to which this Notice is attached, with Certification.

This I do on the Day of

[*Signature of Officer of Court.*]

2. *Citation of Witness.*

To *E. F.* [*Designation.*]

Take Notice that you are required to appear before any One of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] at [*Court House or Place*] on the Day of at the Hour of o'Clock Noon, and at any adjourned Diet which you may be required to attend, to bear Witness for the Prosecution [*or* for the Respondent] in the Complaint at the Instance of *A. B.* [*Designation*], against *J. K* [*Designation*], under Certification; [and also to bring with you such of the Documents mentioned in the subjoined Lists as may be in your Possession.]

This I do on the Day of

[*Signature of Officer of Court*].

SCHEDULE G.

1. *Execution of Citation of Respondent.*

Upon the Day of I duly cited the within designed *J.K.* to appear and answer before any One or more of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of], in the Matter and at the Time and Place above set forth. This I did by delivering to the said *J.K.* personally [*or* leaving at his last or usual Dwelling Place, as I could not find himself personally, *as the Case may be*,] a full Copy of the above Complaint, with a Citation to the above Effect thereto annexed.

[*Signature of Officer of Court*].

2. *Execution of Citation of Witnesses.*

Upon the Day of I duly summoned *E. F.*, *&c.*, Witnesses for the Prosecution, [*or G. H., &c.*, Witnesses for the Respondent], to appear before any One of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] at [*Court House or Place*] on the Day of at o'Clock noon, and at any adjourned Diet, to bear Witness in the Complaint at the Instance of *A. B.* [*Designation*] against *J. K.* [*Designation*]. This I did by delivering a just Copy of Citation, signed by me, to the said *E. F.* [personally, *or otherwise, as the Case may be*].

[*Signature of Officer of Court.*]

SCHEDULE H.

1. *Interlocutor adjourning the Diet.*

The Justice [*or* Sheriff *or* Magistrate] in respect [*state the Reason*] adjourns the Diet to the Day of , and appoints the said *J. K.* to appear personally on that Day at o'Clock noon.

[*Signature of Judge.*]

2. *Adjournment and Interim Warrant of Imprisonment.*

The Justice [*or* Sheriff *or* Magistrate] in respect [*state the Reason* adjourns the Diet to the Day of , and in the meantime grants Warrant to imprison the said *J. K.* in the Prison of to be detained until that Time, or until he find Caution to appear at all future Diets of Court under a Penalty of £ .

[*Signature of Judge.*]

SCHEDULE I.

Minute of Procedure at the Hearing.

1. *When the Respondent appears.*

At the Day of In the Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate] appeared *J. K.* complained against; and the Complaint being read over to him, he answers that he is Not Guilty, [*or* that he is Guilty, *or* that he is liable in the Penalties mentioned in the Complaint.]

[*Signature.*]

[*If the Respondent pleads Not Guilty.*]

The Witness [*or* Witnesses] after named was [*or* were] examined upon Oath in Support of the Complaint, viz.:—

And the Witness [*or* Witnesses] after named was [*or* were] examined upon Oath in Exculpation, viz.:—

And the Witness [*or* Witnesses] after named was [*or* were] examined upon Oath in Replication, viz.:—

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2. *When the Respondent is absent.*

At the Day of in Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate], *J. K.* complained against having failed to appear, and after Proof by the Oath of Officer of Court that such Officer had duly summoned the said *J. K.*

The Witness [*or* Witnesses] after named was [*or* were] examined upon Oath in Support of the Complaint, viz.:—

[*Follows the Conviction or Judgment.*]

SCHEDULE K.

No. 1. *Conviction for Offence at Common Law.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J. K.* [*or* of the Evidence adduced], find the said *J. K.* Guilty of [and that the said *J. K.* has been previously convicted of the said Offence], and therefore [*State the Terms of the Sentence*].

[*Signature of Judges or Judge.*]

No. 2. *Conviction for Contravention of Act punishable by Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J. K.* [*or* of the Evidence adduced], convict the said *J. K.* of the Offence charged [being a Offence], and adjudge him to be imprisoned in the Prison of for the Period of from this Date [*or* from the Date of his Imprisonment, *if the Respondent is absent*]. [*If authorized by the Act, add,* and find him liable in Payment to the Complainer of £ of Expenses, and adjudge him to be imprisoned in the said Prison for the further Period of Days from the Expiration of the last-mentioned Period, unless the said Sum shall be sooner paid]; and grant Warrant to Officers of Court to apprehend him and convey him to the said Prison, and to the Keeper thereof to receive and detain him accordingly.

[*Signature of Judges or Judge.*]

No. 3. *Conviction for a Penalty, and, in default of Payment, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J. K.* [*or* of the Evidence adduced], convict the said *J. K.* of the Contravention [*or* Offence] charged [being a Offence], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* of modified Penalty, *where the Act imposes a specific Penalty, with Power to modify*], [with the Sum of £ of Expenses, *where Expenses may be awarded*]; and in default of immediate Payment thereof [*or, if Time be allowed, say,* within Days from this Date], adjudge him to be imprisoned in the Prison of for the Period of from the Date of his Imprisonment, unless the said Sum or Sums shall be sooner paid, and grant Warrant to Officers of Court to apprehend him and convey him to the said Prison, and to the Keeper thereof to receive and detain him accordingly.

[*Signature of Judges or Judge.*]

No. 4. Conviction for a Penalty to be recovered by Poinding, and in default of Recovery, Imprisonment.

The Justices [*or* Justice *or* Sheriff *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged, [being a Offence], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* of modified Penalty, *where the Act imposes a specific Penalty, with Power to modify*] [with the Sum of £ of Expenses, *where Expenses may be awarded*]; and* in default of immediate Payment thereof, [*or, if Time is allowed, say,* within Days from this Date] grant Warrant for Recovery of the said Sum or Sums by Poinding of his Goods and Effects, and summary Sale thereof, on the Expiration of not less than Forty-eight Hours after such Poinding, without further Notice or Warrant; and appoint a Return or Execution of such Poinding and Sale to be made within Eight Days from this Date, [*or,* from the Expiration of the Period herein allowed for Payment, *where Time is allowed*], under Certification of Imprisonment for the Period of in default of Payment or Recovery of the said Sums, with the Expenses of Diligence before the Time allowed for such Report.

[*Signature of Judges or Judge.*]

Report by Officer of Court.

I, *X. Y.*, Officer of Court, report, that by virtue of the foregoing Judgment and Warrant, I have made diligent Search for Goods and Effects of the within mentioned *J. K.*, and that I can find no sufficient Goods and Effects whereon to levy the Sums within mentioned.

Humbly reported this Day of by .

[*Signature of Officer.*]

Warrant of Imprisonment.

At the Day of , the Justice [*or* Sheriff *or* Magistrate], in respect it appears that the Sum [*or* Sums] mentioned in the foregoing Conviction, with the Expenses of Diligence, have not been paid, and that no sufficient Goods and Effects can be found whereon to levy the said Sum [*or* Sums] and Expenses, grants Warrant to Officers of Court to apprehend the said *J. K.*, and convey him to the Prison of and to the Keeper thereof to receive and detain him from the Period of from the Date of his Imprisonment, unless the said Sum [*or* Sums], with the further Sum of £ for the Expenses of Diligence, shall be sooner paid.

[*Signature of Judge.*]

No. 5. Conviction for a Penalty to be recovered by Poinding and Imprisonment.

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J. K.* [*or* of the Evidence adduced], convict the said *J. K.* of the Offence charged [being a Offence], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty, [*or* of modified Penalty, *where the Act imposes a specific Penalty, with Power to modify*], [with the Sum of £ of Expenses, *where Expenses may be awarded,*] and* ordain instant Execution by Poinding and Sale, and Imprisonment for the Period of Days, in default of immediate Payment [*or if Time is allowed, say,* within Days from this Date] grant Warrant to Officers of Court, in default of Payment of the said Sum [*or* Sums], for immediate Poinding of the Goods and Effects of the said *J.K.*, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding; appoint a Return of such Poinding and Sale to be reported within Eight Days from this Date; further, grant Warrant to Officers of Court immediately to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of Days from the Date of his Imprisonment, unless the said Sum [*or* Sums], together with the Expense of Poinding, if any, shall be sooner paid, or Liberation shall be granted.

[*Signature of Judges or Judge.*]

Warrant of Liberation.

The Justice [*or* Sheriff *or* Magistrate], in respect the Complainer has failed to certify by the Report of an Officer of Court, that no sufficient Goods and Effects of the said *J.K.* can be found whereon to levy the Sums specified in the foregoing Conviction within the Period of Eight Days therein mentioned [*or* in respect that a sufficient Poinding and Sale of the Effects of the said *J.K.* has been made], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *J.K.*

[*Signature of Judge.*]

*[*If at the Hearing it shall be made to appear that no sufficient Poinding and Sale can be made, or that the issuing of a Warrant of Poinding and Sale would be ruinous to the Respondent or his Family, then in place of the Warrants contained in either of the Two preceding Forms say—*

' And in respect it appears that no sufficient Poinding and Sale can be had ' whereon to levy the said Sum [*or* Sums ;—*or*, in respect it appears that the ' issuing of a Warrant of Poinding and Sale in this Behalf would be ruinous ' to the said *J. K.* or his Family,] adjudge the said *J. K.* to be committed ' to the Prison of for the Period of Days from the Date ' of his Imprisonment, unless the said Sum [*or* Sums] shall be sooner paid, ' and grant Warrant to Officers of Court to apprehend him and convey him ' to the said Prison, and to the Keeper thereof to receive and detain him ' accordingly.']

No. 6. Judgment for a Penalty recoverable by Diligence.

The Justices [*or* Justice *or* Sheriff *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], find that the said *J.K.* has incurred the Penalty [*or* the modified Penalty, *where there is a Power to modify*], of £ , and also find the said *J.K.* liable in £ of Expenses to the Complainer, and* ordain instant Execution by Arrestment, and also Execution by Poinding [and Imprisonment *where there is a Power to imprison*]: grant Warrant to Officers of Court to arest all Debts and Sums of Money owing to the said *J.K.*, and [*if Time is allowed, add,* in default of Payment within Days from this Date] to poind his Goods and Effects and to sell the same at the Expiration of not less than Forty-eight Hours after such Poinding, without further Notice or Warrant; [*where the Act authorizes Imprisonment, add,* and appoint a Return or Execution of such Poinding and Sale to be made within Days from the Expiration of the Period hereby allowed for Payment, under Certification of Imprisonment [*if for a Term, specify the Term*], in default of Payment or Recovery of the said Sums with the Expenses of Diligence before the Time allowed for such Report.]

[*Signature of Judges or Judge.*]

Warrant of Imprisonment to be granted upon Officer's Report.

The Justice [*or* Sheriff *or* Magistrate], in respect it appears that the Sums mentioned in the foregoing Judgment, with the Expenses of Diligence, have not been paid, and that a sufficient Sum has not been recovered by Diligence, grants Warrant to Officers of Court to apprehend the said *J. K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him until liberated in due Course of Law [*or, if the Imprisonment is for a Term, say,* for the Period of Days from the Date of his Imprisonment, unless the said Sums, with £ for the Expenses of Diligence, shall be sooner paid.]

[*Signature of Judge.*]

*[*If at the Hearing the Complainer shall competently move for Execution by Imprisonment in lieu of Arrestment, Poinding and Sale, or if it shall appear that no sufficient Arrestment, Poinding, and Sale can be made, or that the issuing of a Warrant of Arrestment, Poinding, and Sale would be ruinous to the Respondent or his Family, then, in place of the Warrant annexed to the Judgment in the preceding Form, say :*

And in respect [*stating the Reason as above*] ordain instant Execution by Imprisonment, and grant Warrant to Officers of Court to apprehend the said *J. K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of from the Date of his Imprisonment, unless the said Penalty and Expenses shall be sooner paid.

[*This Form only to be used where the Acts founded on authorize Imprisonment for a specified Period.*]

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7. *Judgment and Warrant ad factum præstandum, and, in default, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J. K.* [*or* of the Evidence adduced], find the Complaint proven, and ordain the said *J. K.* to [*here state the Matter required to be done*] under Certification that if, upon a Copy of this Judgment being served upon the said *J. K.* by an Officer of Court, he shall neglect or refuse to obey the same within the Period of after such Service, he shall be imprisoned for the Period of Days: Find the said *J. K.* liable in £ of Expenses to the Complainer; and failing immediate Payment thereof [*or if Time be allowed,* within Days from this Date, *say*], grant Warrant for Recovery of the said Sum by Poinding of his Goods and Effects, and summary Sale thereof, &c., [*as in No. 4 of this Schedule.*]

[*Signature of Judges or Judge.*]

Warrant of Imprisonment.

The Justice [*or* Sheriff *or* Magistrate], in respect it is now proved to his Satisfaction that a Copy of the foregoing Judgment was duly served upon the within named *J. K.*, upon the Day of , and that he has not as yet obeyed the Order therein contained, and that the Period appointed for Implement thereof is now expired, grants Warrant to

Officers of Court to apprehend the said *J. K.*, and convey him to the Prison of ; and to the Keeper thereof to receive and detain him for the Period of from the Date of his Imprisonment.

[*Signature of Judge.*]

[*Note.*—A Warrant ad factum præstandum in the above Form may, if required by the Act, be combined with a Conviction or Judgment for a Penalty. Where Judgment is given for the Expenses of obtaining a Warrant ad factum præstandum recoverable by Poinding and Sale, and Imprisonment in default, the Proceedings shall be as nearly as possible in conformity with the Forms above prescribed for the Recovery of Penalties and Expenses. If the Expenses are declared to be recoverable by ordinary Diligence, or by Arrestment and Poinding, the Warrant and Procedure will be as in No. 6.]

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8. *Judgment of Absolvitor.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate] assoilzie the within designed *J. K.* from the foregoing Complaint. [*If an Award of Expenses be competent, add,*] Find the within designed *A. B.*, Complainer, liable to the said *J.K.* in the Sum of £ of Expenses, and decern and ordain instant Execution by Arrestment, and also Execution by Poinding and Sale after free Days; grant Warrant, *&c*, [*as in No.* 6, *omitting the Warrant of Imprisonment.*]

[*Signature of Judges or Judge.*]

SCHEDULE L.

Account by the Clerk of the Court of [*or* by the Keeper of the Prison of] *of* all Fines, Penalties and Monies received by him, and how applied, from the Day of 18 , to the Day of 18 .

Name of Party convicted.	Date of Conviction.	Penalty or Fine.	Costs.	Amount received from Party convicted.	Application thereof.	Amount recovered by Poinding and Sale, or Arrestment.	Application thereof including Surplus, if any.

(Signed)

Clerk of the said Court, [*or* Keeper of the said Prison.]

Summary Procedure (Scotland).

A

BILL

To make Provision for Uniformity of Process in summary Criminal Prosecutions, and Prosecutions for Penalties in the Inferior Courts in Scotland.

(Prepared and brought in by
The Lord Advocate, Sir George Grey, and
Sir William Dunbar.)

Ordered, by The House of Commons, *to be Printed,*
23 *February* 1864.

[Bill 32.]

Under 4 *oz.*

Summary Procedure (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

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SCHEDULES.

21 *April* 1864. 27 Vict.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Make Provision for Uniformity of Process in summary Criminal Prosecutions and Prosecutions for Penalties in the Inferior Courts in Scotland.

WHEREAS by an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act "to authorize additional Circuit Courts of Justiciary to "be held, and to facilitate Criminal Trials in Scotland," Provision was made for the summary Prosecution of Offences before Sheriffs of Counties in certain Cases; which Act was amended by an Act passed in the Eleventh Year of the Reign of King George the Fourth and the First Year of the Reign of King William the Fourth, intituled "An Act to amend an Act of the Ninth Year of "His late Majesty King George the Fourth, to facilitate Criminal "Trials in Scotland, and to abridge the Period now required "between the pronouncing of Sentence and Execution thereof, in "Cases importing a Capital Punishment:" And whereas by an Act passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled "An Act for amending the Pro- "cedure before Magistrates and Justices of Peace in Scotland," the Provisions of the recited Acts with respect to summary Prose-

Preamble.
9 G. 4. c. 29.

11 G. 4. & 1 W. 4. c. 37.

19 & 20 Vict. c. 48.

cutions were in certain Cases made applicable to Prosecutions before Justices of the Peace in Scotland: And whereas by an Act passed in the Seventh Year of the Reign of King William the Fourth and the First Year of the Reign of Her present Majesty, intituled "An Act for the more effectual Recovery of Small Debts "in the Sheriff Courts, and for regulating the Establishment of "Circuit Courts for the Trial of Small Debt Causes by the Sheriffs "in Scotland," Provision was made for the Recovery of statutory Penalties by way of Action in the Sheriff Court in certain Cases: And whereas it is expedient to make further and more effectual Provision for the Trial of Offences punishable on summary Conviction, and for the summary Recovery of Penalties in the Inferior Courts in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

7 W. 4. & 1 Vict. c. 41.

Short Title.

1. This Act may be cited for all Purposes as "The Summary "Procedure Act, 1864."

Interpretation.

2. The following Words in this Act shall have the Meanings hereby assigned to them, unless such Meanings shall be excluded by the Subject or Context:

"Act of Parliament" and "Act" shall mean any Public General or Local and Personal Act of Parliament now in force or hereafter to be passed:

"Court" shall mean any Sheriff Court or Burgh Court, or any Court of Justices of the Peace for any County or City in Scotland, whether in Quarter or Petty Sessions, any Police Court having Jurisdiction, or any Sheriff, Magistrate of any Burgh, or Justice or Justices of the Peace for any County or City in Scotland, exercising Jurisdiction, under the Authority of any Act of Parliament, in any Matter which may lawfully be brought before him or them, in the Manner provided by this Act:

"Judge" shall mean any Sheriff, or any Magistrate of any Burgh, or any Justice of the Peace, whether acting alone or in conjunction with any other Justice or Justices of the Peace for the same County or City in Scotland:

"Magistrate" shall mean any Magistrate of any Burgh in Scotland having Jurisdiction:

"Sheriff" shall include Sheriff Substitute:

"Justice" shall mean any of Her Majesty's Justices of the Peace for any County or City in Scotland, acting within such County or City:

"Clerk of Court" shall include Depute Clerk or other Person acting as such:

"Witness" shall include Haver:

"Oath" shall include Affirmation, in Cases where Affirmations may lawfully be taken in place of Oaths:

"Penalty" shall mean any Sum of Money which may, under the Authority of any Act of Parliament, be recoverable from any Person in respect of the Contravention of any statutory Requirement or Prohibition, and also any Sum which may, under the Provisions of any Act of Parliament, be recoverable as a Penalty or Forfeiture, whether such Sum shall be payable to the Party complaining, prosecuting, or suing for the same, or shall be payable in whole or in part to any other Person, or be applicable to any other Use, and whether the Amount thereof is fixed by such statutory Provision, or is so fixed subject to a Power to modify or mitigate, or is in the Nature of a Penalty not exceeding a certain Sum, to be awarded by the Court or Judge who may take cognizance thereof.

Application of the Act.

3. The Provisions of this Act shall be applicable to—

(1.) All Proceedings before any Sheriff, Justices or Justice, or Magistrate, in Scotland, in virtue of the summary Jurisdiction conferred upon them, or any of them, in relation to the Trial of Offences and Recovery of Penalties, by the recited Acts, or any of them:

(2.) All Proceedings to be taken before any Sheriff, Justices or Justice, or Magistrate in Scotland, for the Prosecution of any Person who has committed, or is charged with having committed, any Offence or Act for which, under the Provisions of any Act of Parliament, he is liable, upon summary Conviction before any Sheriff, Magistrate, Justices or Justice, to be imprisoned or fined, or otherwise punished, or to be ordered to do or perform any Act and to be imprisoned in default of Performance:

(3.) All Proceedings for the Recovery of any Penalty, or Sum of Money in the Nature of a Penalty, which, under the Provisions of any Act of Parliament, may be recovered by summary Complaint or Information, or by Poinding or Distress and Sale, or other summary Process or Diligence of the like Nature, before any Sheriff, Justices or Justice, or Magistrate:

(4.) All Proceedings for the Trial or Prosecution for any Offence or for the Recovery of any Penalty, under any Act of Parliament by which it shall be provided that Offences committed in contravention thereof or Penalties thereby imposed shall be prosecuted or recovered under the Provisions of this Act.

Proceedings to be instituted by Complaint.

4. All Proceedings for summary Conviction for any Offence, whether at Common Law or under any Act of Parliament, and all Proceedings for the Recovery of any Penalty which may be sued for or recovered in a summary Form, whether such Proceedings are at the Instance of a public or private Prosecutor or Complainer, may be instituted by way of Complaint in one or other of the Forms set forth in the Schedule (A.) to this Act annexed; and it shall not be necessary to mention in any Complaint any Act of Parliament other than the Act declaring the Offence for which a Conviction is sought, or imposing the Penalty or Forfeiture which is claimed; and it shall be sufficient to refer to the Act or Section of the Act founded on, without setting forth the Enactment in Words at Length; and all Penalties for the Recovery of which in Scotland no special Provision has been made by Act of Parliament may be sued for by the Procurator Fiscal of the Jurisdiction.

Amendment of the Complaint.

5. No Objection shall be allowed by the Court to any Complaint under this Act for any alleged Defect therein in Substance or in Form, or for any Variance between any such Complaint and the Evidence adduced on the Part of the Prosecutor or Complainer at the Hearing thereof; but if any such Objection or Variance shall appear to the Court to be such that the Respondent has been thereby deceived or misled, it shall be lawful for the Court to adjourn the Hearing to some future Day, and at the same Time, or at any Stage of the Proceedings, to direct such Amendment to be made upon the Complaint as may appear to be requisite, and such Amendment shall be authenticated by the Signature or Initials of the Judge or Clerk of Court; and where it is necessary, in virtue of any statutory Provision, that any such Complaint should be supported by the Oath of the Complainer, or of a credible Witness, such Oath may be in the Form of the Schedule (B.) to this Act annexed.

Provision as to Informations upon Oath.

Respondent may be cited to appear or apprehended on a Warrant.

6. On such Complaint being laid before the Court, it shall be lawful for the Court to grant Warrant to cite the Respondent personally, or by leaving a Copy of the Complaint with the Warrant of Citation annexed, at his last or usual Dwelling Place, in common Form, to appear before the Court on Induciæ of not less than Forty-eight Hours; or (where Apprehension is competent) to grant a Warrant for the Apprehension and interim Detention of the Respondent: Provided that where the Complaint shall pray for a Warrant of Apprehension, the Court may in its Discretion grant, in place of such Warrant, a Warrant for the Citation of the Respondent as aforesaid; and it shall be lawful to annex to such Warrant of Citation or Apprehension a Warrant to cite Witnesses and Havers for both Parties, and also (where such Procedure is otherwise competent) a Warrant to search for and seize stolen Goods or other Articles mentioned in the Complaint.

Court may proceed in absence of Respondent in certain Cases, or issue a Warrant for his Apprehension.

7. If the Respondent after being cited shall fail to appear at the Time and Place mentioned in the Warrant of Citation, it shall be lawful for the Court, upon Proof that the Respondent has been duly cited, by the Oath of the Officer giving the Citation, to issue a Warrant in the Second Instance for his Apprehension and interim Detention; or the Court may adjourn the Hearing to a future Diet, with Liberty to the Respondent to appear at such adjourned Diet, and may in its Discretion appoint Intimation of such adjourned Diet to be made to the Respondent; and in Cases where the Complaint concludes for a pecuniary Penalty only in the First Instance, or where the Act of Parliament founded on authorizes Procedure without the Presence of the Respondent (and his Presence is not required as a Witness for the Prosecution or for Identification), the Court may, without adjourning, proceed to hear and dispose of the Complaint in the Absence of the Respondent.

Execution of Warrants of Apprehension and Citation.

8. Every Warrant of Apprehension granted under the Authority of this Act for the Citation or Apprehension of a Respondent, or for the Citation of Witnesses, or for the Apprehension of a Witness, as herein-after provided, may be lawfully and competently executed at any Place within Scotland without being endorsed, and that either by an Officer of the Court or Magistrate granting the Warrant, or by a Constable acting under the Authority of any Act of Parliament, or by an Officer of the County or Place in which such Respondent may be for the Time, or Constable authorized to execute Warrants as within such County or Place; and every such Warrant may be so executed although addressed to Officers of the Court issuing the Warrant; and all such Warrants and Citations and Executions of Citation (if these are requisite) may be in the Forms contained in the Schedules (C.), (D.), (E.), (F.), and (G.) to this Act annexed.

Execution of Warrants beyond the Jurisdiction of the Court.

9. The Provisions of the second-recited Act relative to the Execution of Sentences and of Decrees for Penalties and Expenses beyond the Jurisdiction of the Court or Judge by whom the same have been granted, shall be applicable to the Execution of Convictions and Judgments pronounced under the Authority of this Act; and the Provisions contained in an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "An Act to facilitate the Performance of the Duties of "Justices of the Peace out of Sessions within England and "Wales,

11 & 12 Vict. c. 42.

" Wales, with respect to Persons charged with indictable Offences," for the Enforcement of Warrants granted by Sheriffs and Justices in Scotland by Endorsation in England and Ireland, shall be applicable to Warrants granted by Magistrates of Burghs in Scotland; and the said Provisions are also hereby extended and made applicable to all Warrants issued in Scotland under the Authority of this Act.

Warrants may be issued for Apprehension of Witnesses.

10. If any Person cited as a Witness by a Warrant under the Authority of this Act shall neglect or refuse to appear at the Time and Place appointed by the Warrant, and no just Excuse shall be offered in his Behalf, it shall be lawful for the Court before whom such Person has been cited to appear, to issue a Warrant for his Apprehension; or, if the Court shall be satisfied by Evidence upon Oath that it is probable that such Person will not attend without being compelled so to do, it shall be lawful for the Court to issue a Warrant in the first instance for the Apprehension of such Person; and any Witness who shall wilfully fail to attend after being duly cited, or who shall refuse to be sworn or to be examined on Affirmation, or who after the Oath or Affirmation has been administered to him shall refuse to answer any Question which the Court shall allow, or to produce Documents in his Possession when required by the Court, may be summarily punished for his Contempt by Imprisonment or Fine, such Punishment not exceeding that which the Court would be entitled to award in case of Conviction upon the Complaint.

Respondent may require Adjournment of Diet, except when Complaint has been personally served.

11. Any Respondent brought before the Court by a Warrant of Apprehension under the Authority of this Act, or appearing voluntarily, shall be entitled to require a Copy of the Complaint, and also to require that the Hearing shall be adjourned for a Period not less than Forty-eight Hours after the Delivery of such Copy; and such Requisitions shall be complied with if made before the Examination of any Witness on the Merits shall have commenced; but no such Requisition shall be competent where a Copy of the Complaint shall have been delivered to the Respondent personally Forty-eight Hours before the Hearing; and any Interlocutor adjourning the Diet may be in the Form No. 1. in the Schedule (H.) to this Act annexed.

Court may adjourn the Hearing and detain the Respondent.

12. Subject to the Provisions contained in the preceding Section, no Adjournment of the Hearing shall take place when the Respondent pleads Not Guilty, or at any other Stage of the Proceedings, unless the Court shall, on the Motion of One of the Parties, think fit to order an Adjournment: Provided, that where the

Respondent has been brought into Court upon a Warrant of Apprehension, it shall be lawful for the Court to grant Warrant, in the Form No. 2. in the Schedule (H.) to this Act annexed, to detain him in Prison until the Period to which the Hearing shall be adjourned, or until he finds sufficient Caution to appear at all future Diets of the Court.

Signing of Convictions and Warrants.

13. Any Sheriff, Magistrate, or Justice, though out of his County or Jurisdiction, may sign any Conviction, Judgment, Warrant, or Interlocutor under this Act; provided the Evidence and every other Proceeding necessary to support such Conviction, Judgment, Warrant, or Interlocutor shall have been had before him when within his County or Jurisdiction.

As to Judgment of Absolvitor by Default and Abandonment of the Complaint.

14. If at the Diet appointed for the hearing of any Complaint, or at any adjourned Diet, the Prosecutor or Complainer shall fail to appear personally (or by Counsel or Agent where such Appearance is otherwise competent), or having appeared shall decline to insist in his Complaint, the Court shall pronounce Judgment of Absolvitor, which Judgment, or an Extract or certified Copy thereof, shall be delivered to the Respondent if desired; and a Judgment of Absolvitor pronounced in a Complaint at the Instance of a Procurator Fiscal or other Party prosecuting for the Public Interest, may be pleaded in absolute Bar of any subsequent Complaint under the Authority of any Act of Parliament for the same Matter, whether at the same Instance or at the Instance of any private Prosecutor or Complainer: Provided, that in Cases where the prior Complaint shall have been abandoned in consequence of Objections to the Form thereof (which it may be, before the Commencement of Proof, by Permission of the Court), or where the Diet shall have been deserted pro loco et tempore, Judgment of Absolvitor shall not be pronounced, but the Fact of Abandonment shall be stated in the Form of an Endorsation upon the Complaint subscribed by the Prosecutor.

Procedure at Hearing in Presence of the Respondent.

15. Where the Respondent shall be present at the Hearing, the Substance of the Complaint shall be read or stated to him, and he shall thereupon be required to plead in common Form; and the Respondent may then state Objections to the Competency or Relevancy of the Complaint or Proceedings; and if no Objections are stated, or if such Objections are stated and repelled or are obviated by Amendment of the Complaint or Adjournment of the Diet as herein-before provided, the Respondent's Plea shall then or at such adjourned Diet be recorded, and the Plea, if the same be guilty or an Admission of Liability, shall be signed by the Respondent, or by a Judge or the Clerk of Court if the Respondent cannot write; and the Prosecutor or Complainer shall thereupon proceed to establish his Complaint by legal Evidence or by such Evidence as is required by the Act of Parliament founded on, and the Respondent may afterwards lead such Evidence as is competent, and the Prosecutor may, with Permission of the Court, lead Evidence in replication; and before Judgment is pronounced each Party shall, subject to the Control of the Court, have liberty to address the Court upon the Evidence; and where the Complaint concludes for a pecuniary Penalty only in the first instance, or where the Act of Parliament founded on authorizes Procedure in Absence, the Court may dispense with the personal Attendance of the Respondent, and allow him to appear and plead by a Procurator of Court, who shall produce his Authority, if required.

Procedure at Hearing in Absence.

16. Where the Court shall proceed to dispose of the Complaint in the Absence of the Respondent, Judgment shall not be pronounced against him until the Complaint has been established to the Satisfaction of the Court by legal Evidence, or by such Evidence as is requisite under the Act of Parliament founded upon.

Form of Record, and Court to note any Offer of Proof rejected.

17. It shall not be necessary in any Proceeding under the Authority of this Act to record or to preserve a Note of the Evidence adduced, but the Record shall set forth in the Form of the Schedule (I.) to this Act annexed the Respondent's Plea, if any; the Names of the Witnesses, if any, examined upon Oath or Affirmation, with a Note of any documentary Evidence that may be put in; and the Conviction or Judgment; and the Judge shall also, if required, take a Note of any Offer of Proof made by either of the Parties and refused to be admitted, any Objection to the Admissibility of Evidence sustained or repelled, and any Objection to the Relevancy or Competency of the Charge or Proceedings to which he may not have thought proper to give effect by Amendment of the Complaint in manner herein-before provided; and the Judge may require from the Party or his Agent a Suggestion in Writing of the Matter which he desires to have set forth in such Note, but shall not be bound to set forth the same in the Words suggested, and shall not be bound to note any Objection which in the Opinion of the Court is merely frivolous.

Proceedings may be either in Writing or printed.

18. The several Forms of Proceeding prescribed by this Act may be either in Writing or printed, or may be partly written and partly printed; and all such Forms as bear reference to any antecedent Form may be either on the same Sheet of Paper therewith, or on a separate Sheet attached to it.

Application of Forms of Conviction, &c.

19. In Cases of Conviction or Judgment against the Respondent in Prosecutions and Proceedings under this Act, the Sentence of the Court may be in one or other of the Forms contained in the Schedule (K.) to this Act annexed, or as nearly as may be in such Form, according to the Nature of the Complaint, viz.:—

(1.) In Complaints for Offences at Common Law, punishable on summary Conviction, the Sentence of the Court shall be in the Form No. 1. in the said Schedule:

(2.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable on summary Conviction to be imprisoned, or to be imprisoned or fined in the Discretion of the Court, the Sentence of the Court awarding Imprisonment shall be in the Form No. 2. in the said Schedule; or, if the Sentence is for a Fine, then in such of the subsequent Forms as may be in accordance with the Provisions of the Act of Parliament:

(3.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to forfeit a Penalty, and in default of Payment thereof to be imprisoned for a Period limited to a certain Time, at the Expiration of which he shall be entitled to Liberation although the Penalty has not been paid, the Judgment of the Court shall be in the Form No. 3. in the said Schedule:

(4.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to a Penalty, which, under the Authority of the Act, may be recovered by Poinding or Distress and Sale, or other summary Process of Execution by Sale, and, in default of Payment or Recovery of the Penalty by such Process of Execution, the Accused is or shall be liable to be imprisoned for a Period limited as aforesaid, the Judgment and Warrant shall be in the Form No. 4. in the said Schedule:

(5.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to a Penalty, which, under the Authority of the Act, may be recovered by Poinding or Distress and Sale, or other summary Process of Execution by Sale, and where the Act also authorizes the Imprisonment of the Accused for a Period limited as aforesaid, then, unless Imprisonment be only authorized in default of Recovery by such Process of Execution, the Judgment of the Court may be in either of the Forms No. 4. or No. 5. in the said Schedule:

(6.) In Complaints for the Contravention of any Act of Parliament under which the Accused is or shall be liable to a Penalty, and where no special Provision is made for the Recovery thereof, or for the Substitution of a Term of Imprisonment in default of Payment, and also in all Cases where, under the Authority of any Act of Parliament, such Penalty is or shall be recoverable by Action, Civil Process, or Diligence, the Judgment of the Court shall authorize Execution by Arrestment, Poinding and Sale, and Imprisonment (unless Recovery by Imprisonment is excluded by the Terms of the Act), and may be in the Form No. 6. in the said Schedule; and the Warrant of Imprisonment to be granted in pursuance of any such Judgment may be in the said Form No. 6., and shall authorize the Detention of the Respondent until liberated in due Course of Law; and in all Cases where, under the Authority of any Act of Parliament, such Penalty is or shall be declared to be recoverable by Arrestment, Poinding or Distress and Sale, or Imprisonment, or by any Combination of those Forms of Diligence other than as above provided for, the Judgment of the Court may be expressed in the said Form No. 6., so far as applicable, and no Warrant of Imprisonment shall be issued upon a Judgment in such Form until after the Period allowed for Execution by Arrestment or Poinding, except in the event mentioned in the said Form No. 6.:

(7.) In Complaints for the Contravention of any Act of Parliament by which the Court is or shall be authorized to ordain the Person contravening to do or perform any Act other than the Payment of Money, and where, in consequence of failing or neglecting to do or perform such Act, such Person shall be liable to be imprisoned for a Term to be specified in the Warrant of Imprisonment, the Judgment and Warrant may be in the Form No. 7. in the said Schedule; and such Judgment and Warrant may, if the Act of Parliament so require, be used in combination with a Judgment or Warrant in one or other of the Forms hereinbefore specified, and may, if the Act so require, be combined with a Judgment for Expenses, and Warrant for Recovery thereof, and for Imprisonment in default of Payment, in such Form as may be requisite:

(8.) Any Judgment of Absolvitor to be pronounced in any Complaint or Proceedings under this Act may be in the Form No. 8. in the said Schedule:

Provided that the Court may add to any of the Forms of Conviction or Judgment for any Penalty, such Finding of Expenses and Warrant for the Recovery thereof, and such other Finding or Declaration as may be required by the Act of Parliament founded on; and, if so required, the Court may add to any Warrant of Imprisonment contained in such Conviction or Judgment, or consequent thereon, a Direction that the Respondent shall be kept to Hard Labour during the whole or Part of the Term of his Imprisonment.

Imprisonment may be awarded in place of Execution by Poinding and Sale.

20. In Cases in which any Penalty is or shall be recoverable by Poinding or Distress and Sale, Arrestment, or other summary Process of Execution, and in which the Respondent is also liable to be imprisoned for a Term to be specified in the Warrant of Imprisonment, either immediately or in default of Recovery of the Penalty by Execution, the Court, in lieu of granting Warrant for Recovery by Poinding and Sale, may issue a Warrant for the immediate Imprisonment of the Respondent for any Term not exceeding the Term specified in the Act of Parliament, in one or other of the Forms appended to Nos. 4, 5, and 6 in Schedule (K.), but that only for one or other of the Causes specified in the said Schedule, the Cause of granting in all such Cases being specified in the Warrant: Provided, that no Sale shall be made in virtue of a Warrant granted under the Authority of this Act, unless the Goods are, at the appraised Value, sufficient to satisfy the Sums mentioned in the Judgment, and the Expenses of the Poinding and Sale.

Proceedings subsequent to Conviction.

21. Where, in consequence of the Requirements of this Act or of any other Act of Parliament, it is necessary that any Warrant of Imprisonment or other Warrant should be granted subsequent to the Conviction or Judgment, or where any other ulterior Proceeding is enjoined, the Forms and Directions respectively appended to the several Forms of Convictions and Judgments in Schedule (K.) may be used and observed, so far as the same are applicable; and all such Warrants or ulterior Proceedings may be taken without the Presence of the Respondent.

Signature of One Justice sufficient except to Conviction or Judgment.

22. In Cases in which under any Act of Parliament any Matter or Proceeding which may be dealt with under the Forms prescribed by this Act, or which is incidental thereto, is or shall be cognizable by Two or more Justices, it shall be sufficient that any Warrant of Imprisonment or other Warrant or Proceeding, prior or subsequent to the Conviction or Judgment, shall be subscribed by One Justice; and it shall not be necessary that such Justice shall be or shall have been present at the Hearing of the Complaint; but the Conviction or Judgment shall in all Cases be signed by such Number of Justices present at the Hearing and concurring in the Result thereof, as may be required by such Act; and in case of an equal Division of Opinion among the Justices present, the Complaint shall be held to be not proved, and Judgment shall be given for the Respondent; and all Warrants of Citation in Cases which may be dealt with under this Act may be signed by the Clerk of Court, without being laid before a Judge.

Penalties recovered may be paid over to Clerk of Court or Keeper of Prison.

23. It shall be lawful for any Person who shall be found liable in Payment of any Penalty or Money, by a Conviction or Judgment under this Act, to pay such Penalty or Money to the Clerk of the Court in which the Conviction or Judgment was pronounced, or to the Person acting as such Clerk at the Hearing of the Complaint, or to the Procurator Fiscal or other Party prosecuting for the public Interest; and if any Person found liable in Payment of any Penalty or Money shall pay the same to any Constable, Officer of Court, or other Person, such Constable, Officer, or Person shall forthwith pay the same to such Clerk; and if any Person committed to Prison, upon any such Conviction or Judgment, for Nonpayment of any Penalty or of any Money thereby ordered to be paid, shall desire to pay the same and Expenses, before the Expiration of the Time for which he shall be so ordered to be imprisoned by the Warrant for his Imprisonment, he may pay the same to the Keeper of the Prison in which he shall be so imprisoned, who, on receipt thereof, shall forthwith liberate such Prisoner, and such Keeper shall, without Delay, pay the same to such Clerk; and all Money so received by such Clerk shall forthwith be paid by him to the Party to whom the same is to be paid, according to the Direction of the Act of Parliament on which the Complaint has been founded, and if such Act shall contain no such Directions, then such Clerk shall pay the same to the Prosecutor or Complainer, in the summary Application under which such Penalty or Money has become exigible; and all Monies received by any Officer of Court acting under the Authority of this Act, in executing any Warrant of Poinding and Sale, shall be paid to the Clerk of the Court from which such Warrant was issued; and every such Clerk and every such Keeper of a Prison shall keep a true and exact Account of all such Monies received by him, of whom and when received, and to whom and when paid, in the Form of the Schedule (L.) to this Act annexed, which Account shall be open to the Inspection of any Person having Interest at all reasonable Times: Provided, that the Surplus of any Monies recovered by Poinding and Sale as aforesaid shall be immediately paid over by the Clerk of Court to the Party convicted, or his Family for his Use.

Court may award Expenses to or against private Complainer, although not authorized by Act.

24. In all Cases of Complaint under this Act for the Recovery of any Penalty, it shall be lawful for the Court to make an Award of Expenses without the same being prayed for in such Complaint; but Expenses shall not be awarded to or against any Public Prosecutor or Party prosecuting under the Authority of any Act of Parliament for the public Interest, unless such Award of Expenses is authorized by such Act: Provided, that in all Cases where a Complaint for the Recovery of a Penalty is at the Instance of a private Complainer, it shall be lawful for the Court before which such Complaint is brought, and any Court before which any Judgment on such Complaint is afterwards brought by way of Review or Appeal, to award Expenses to the successful Party if the Court shall think fit; and such Expenses may be recovered and Imprisonment awarded in default of Payment or Recovery thereof, in the Manner and Form specified in the said Schedule (K.), in connexion with the several Forms of Convictions and Judgments therein contained, or, if necessary, by a separate Judgment for Expenses in such Form as may be appropriate.

Warrant of Imprisonment may be framed so as to take effect from the Expiration of a previous Sentence.

25. If, upon any Complaint presented under the Authority of this Act, a Warrant shall be issued for the Imprisonment of the Respondent pursuant to a Conviction or Judgment, and such Respondent shall then be in Prison undergoing Imprisonment for a specified Period, upon a Conviction for any Offence, or for Default in Payment of any Penalty or Expenses, or for Disobedience to any Order of Court, the Warrant of Imprisonment upon such subsequent Conviction or Judgment shall be delivered to the Keeper of the Prison to whom the same shall be directed, and it shall be lawful for the Court granting the same, if it shall think fit, to insert an Order therein to the Effect that the Imprisonment upon such subsequent Conviction or Judgment shall commence at the Expiration of the Imprisonment to which such Respondent shall have been previously sentenced or adjudged.

Time for bringing Complaints for Recovery of statutory Penalty or for Conviction for Offences.

26. In all Cases in which no Time is already or shall be hereafter specially limited for instituting any Complaint for the Recovery of any Penalty or Sum of Money, or for Conviction for any statutory Offence, punishable on summary Conviction, in the Act of Parliament relating to each particular Case, such Complaint shall be instituted within Six Months from the Time when the Matter of such Complaint arose.

Act not to extend to certain Warrants and Proceedings.

27. Nothing in this Act shall extend, or be construed to extend, to any Warrant or Order for the Removal of any poor Person who is or shall become chargeable to any Parish or District, nor to any Information or Complaint or other Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue, or under or by virtue of any statutory Provision for the Recovery of any Rate, Tax, or Impost whatsoever.

Where special Jurisdiction conferred on Police Court, Forms of this Act may be used.

28. In Cases in which, under the Authority of any Act of Parliament, any Conviction may be obtained, or any Warrant ad factum præstandum or Judgment granted or pronounced, or any Penalty or Expenses recovered, by way of summary Complaint before any Sheriff, Justices or Justice, or Magistrate, and it is also provided therein, or in any other Act of Parliament having reference thereto, that such Conviction or Warrant may be obtained, or Judgment pronounced, or Penalty or Expenses recovered, in any Police Court in Scotland, the Proceedings by this Act authorized may be taken in such Police Court with such and the like Remedies by Poinding and Sale, Imprisonment, or otherwise, as are herein provided in the Case of Convictions and Judgments obtained before Sheriffs, Magistrates, and Justices of the Peace; and the several Forms contained in the Schedules to this Act annexed may be varied so far as may be necessary to render them applicable to such Police Courts.

Jurisdiction of Inferior Courts not to be extended.

29. Nothing in this Act contained shall confer, or be construed to confer, upon any Sheriff, Justices or Justice, or Magistrate acting under the Authority of this Act, any other or more extensive Jurisdiction in relation to any Matter which may be made the Subject of Complaint, than is or shall be vested in such Sheriff, Justices or Justice, or Magistrate at Common Law, or under any Act of Parliament empowering them, or any of them, to take cognizance of such Matter of Complaint; nor shall anything in this Act contained affect any Right to sue by way of ordinary Action in the Court of Session or Sheriff Court in Scotland for the Recovery of any Penalty or Forfeiture, save and except as to the Right of suing for such Penalty or Forfeiture in the Sheriff Small Debt Court, in the Form provided in the fourth-recited Act.

Limits of Civil and Criminal Jurisdiction defined in respect to Proceedings by way of summary Complaint.

30. And whereas much Inconvenience has resulted from the Uncertainty which exists as to the Nature of the Jurisdiction conferred by various Acts of Parliament authorizing Convictions for Offences, and the Recovery of Penalties, and the Enforcement of Orders by Imprisonment, upon summary Complaint before Sheriffs, Justices, and Magistrates in Scotland; and it is expedient to define the Cases in which such Jurisdiction shall be held to be of a Criminal Nature: In all Proceedings by way of Complaint instituted in Scotland, in virtue of any such statutory Provisions as are herein-before mentioned, the Jurisdiction shall be deemed and taken to be of a Criminal Nature, where, in pursuance of a Conviction or Judgment upon such Complaint, or as Part of such Conviction or Judgment, the Court shall be required, or shall be authorized, in their Discretion, or in a certain Event, to pronounce Sentence of Imprisonment against the Respondent; or shall be authorized or required, in case of Default of Payment or Recovery of a Penalty or Expenses, or in case of Disobedience to their Order, to grant Warrant for the Imprisonment of the Respondent for a Period limited to a certain Time, at the Expiration of which he shall be entitled to Liberation; and in all other Proceedings instituted by way of Complaint, under the Authority of any Act of Parliament, the Jurisdiction shall be held to be Civil.

CLAUSE A. Court of Justiciary and Court of Session to be Courts of Appeal under this Act.

31. And whereas it is expedient that Provision should be made for obtaining the Opinion of a Superior Court on Questions of Law arising in the Exercise of summary Jurisdiction, by Appeal, in manner herein-after provided: The Court of Appeal for Cases which by this Act are declared to be of a Criminal Nature as regards Jurisdiction shall be the High Court of Justiciary sitting in Edinburgh or on Circuit, and for other Cases the Court of Appeal under this Act shall be the Court of Session in either Division thereof.

CLAUSE B. Inferior Judges, on the Application of a Party aggrieved, to state a Case for the Opinion of the Court of Appeal.

32. After the Hearing and Determination by any Sheriff, Justices or Justice, or Magistrate of any Proceeding instituted or that might have been instituted by Complaint under this Act, either Party to the Proceeding may, if dissatisfied with such Determination as being erroneous in point of Law, apply in Writing within Three Days after such Determination, or within Three Days after the Execution of any Warrant of Imprisonment or other Proceeding consequent upon such Determination, to the said Sheriff, Justices or Justice, or Magistrate, to state and sign a Case setting forth the Facts and the Grounds of such Determination, for the Opinion thereon of the Court of Appeal having Jurisdiction; and such Party, herein-after called "the Appellant," before he shall be entitled to have the Case delivered to him, shall pay to the Clerk of the Court appealed from his Fee for writing the Case, which shall be at the Rate of Ten Shillings for every Case not exceeding Five Sheets of Two hundred and fifty Words each, and One Shilling for every such additional Sheet.

Clause C.
Case to be transmitted by the Appellant for the Judgment of the Court of Appeal, and Notice to be given to the Respondent.

33. The Appellant shall, within Three Days after receiving such Case, transmit the same by Post to or cause it to be lodged with One of the Clerks of Justiciary, if the Appeal is to that Court, or otherwise with One of the Clerks of the Division of the Inner House of the Court of Session to which the Appeal is taken; and all Appeals to the Court of Justiciary shall be disposed of by the High Court at its ordinary Sittings in Edinburgh, unless the same are marked to the Circuit when transmitted; and the Appellant shall at the same Time give Intimation in Writing of his Appeal, with a Copy of the Case stated and signed, to the opposite Party, and shall, along with the principal Case, transmit a Certificate of Intimation under the Hand of himself or of his Agent to the Clerk of the Court of Appeal.

Clause D.
The Court of Appeal to make Interim Orders, and thereafter to dispose of the Appeal without Pleadings.

34. The Case, when received, shall forthwith be laid before a Judge of the Court of Justiciary, if the Appeal is to that Court, or otherwise before a Judge of the Court of Session, who, if the Appellant is in Custody, may grant Interim Liberation upon such Conditions as are usual in Cases of Suspension and Liberation, and may also grant a Sist of Execution, upon or without Caution, or such other Interim Order as Justice may require; and the Appeal shall thereafter be heard and determined at the ordinary Sittings of the Court to which it is taken, upon the Case, without any Note of Appeal or written Pleadings being requisite.

Clause E.
Judge may refuse a Case when of opinion that the Application is frivolous.

35. If the Judge appealed from shall be of opinion that the Application to state a Case is merely frivolous, but not otherwise, he or they may refuse to state a Case, and shall, on the Request of the Appellant, sign and deliver to him a Certificate of such Refusal: Provided that the Judge shall not refuse to state a Case where Application for that Purpose is made to them by or under the Direction of Her Majesty's Advocate, or by any Procurator Fiscal prosecuting for the public Interest.

Clause F.
Application of the Judgment of the Court of Appeal.

36. The Court of Appeal shall have Power to affirm, reverse, or amend the Judgment or Determination of the Judge appealed from, or to remit with Instructions, and also to award Expenses to either Party; and after the Appeal is finally disposed of, either by the Court of Appeal or by the Judge appealed from on Remit, Execution may proceed upon the original or amended Judgment, and also upon any Judgment for the Expenses of the Appeal, in the Manner provided by this Act, under the Authority of the Judge.

37. The Court of Appeal shall have Power, if necessary, to cause the Case to be sent back for Amendment to the Judge by whom it was stated; and shall also be entitled to allow the Case to be amended at the Bar, of Consent of Parties; and in case of no Appearance being made by the Respondent in any such Appeal, or of Appearance being withdrawn, the Case shall be heard ex parte, and the Court shall give Judgment according to the Merits of the Questions submitted for their Consideration; and if Appearance is not made by the Respondent in the Appeal, he shall not be liable in the Expenses of the Appeal.

CLAUSE G.
Case may be sent back for Amendment, or may be amended of Consent.

38. In case of Refusal by the Judge to state a Case under this Act, it shall be lawful for the Appellant to apply to the Lord President or the Lord Justice Clerk in the Court of Session, or to the Lord Justice General or Lord Justice Clerk in the Court of Justiciary, according to the Nature of the Proceeding, or in their Absence to any other Judge of the Court of Session or Court of Justiciary respectively, by a written Note, accompanied with an Affidavit of the Facts, for an Order calling upon the Judge so refusing, and also upon the other Party, to show Cause why a Case should not be stated; and the said Lord President, Lord Justice General, Lord Justice Clerk, or other Judge to whom the Note may be presented, shall dispose thereof in a summary Way, and may either refuse or grant the Order, and may, after Intimation thereof to the Judge appealed from and to the other Party, either make the same absolute or discharge it: Provided that no Judge appealed from shall be liable in Expenses to the Applicant, on account of his Appearance upon Intimation of any such Rule.

CLAUSE H.
Where the Inferior Judge refuses, the Court of Appeal may order a Case to be stated.

39. Where by any Act of Parliament now in force Jurisdiction is given to any Court or Judge for the Trial of any Offence or the Determination of any Matter which may be tried or determined by Complaint under this Act, and where by such Act or any relative Act the Jurisdiction of the Court of Justiciary or of the Court of Session, as Courts of Review, is excluded or restricted, such Exclusion or Restriction of Review shall, subject to the following Exception, be deemed and taken to apply to Review by Appeal under this Act, as well as to Review by Advocation, Suspension, or Reduction; and the Provisions of the fourth-recited Act excluding the Review of the Superior Courts shall be applicable to Judgments under this Act for Penalties not exceeding Eight Pounds Six Shillings and Eightpence, which shall not have been followed by Imprisonment; provided that notwithstanding any such Exclusion or Restriction of Review, it shall be lawful for such Court or Judge ex proprio motu to state a Case for the Opinion of the Court of

CLAUSE I.
Restriction of the Right of Appeal under this Act in Cases where Review is excluded by the Special Act.

Appeal under this Act upon any Question of Difficulty or Importance arising on the Construction of the Act under which the Proceedings are taken, and to direct that the Expenses of the Procurator Fiscal or other Public Prosecutor appearing to support the Judgment in the Court of Appeal shall be paid out of the Rogue Money of the County.

CLAUSE K.
Incompetent to suspend, advocate, or reduce any Proceeding under this Act.

40. It shall not be lawful for the Court of Justiciary or for the Court of Session to receive any Bill or Note of Suspension or Advocation or any Summons of Reduction of any Judgment or Determination pronounced upon a Complaint instituted under the Provisions of this Act, either on the Ground of Defect of Jurisdiction, or on any other Ground whatsoever; but it shall be lawful for the Court of Appeal under this Act to grant Relief against the Judgment or Determination of any Sheriff, Justices or Justice, or Magistrate, assuming to exercise Jurisdiction in relation to such Complaint, upon a Case stated and signed by such Sheriff, Justices or Justice, or Magistrate.

CLAUSE L.
Appeal under this Act substituted for Appeals to Circuit Court and to Quarter Sessions.

41. Where, under the Provisions of any Act of Parliament now in force, any Judgment or Determination upon a Complaint under the Provisions of this Act might be appealed by presenting a Note of Appeal to the High Court of Justiciary at Edinburgh, or to the Circuit Court of Justiciary, or to Justices of the Peace in Quarter Sessions, such Appeal shall no longer be competent, but in lieu thereof it shall be lawful to bring such Judgment or Determination under the Review of the Court of Appeal under this Act upon a Case stated and signed as aforesaid.

CLAUSE M.
Appeals to the House of Lords prohibited.

42. It shall not be lawful to appeal to the House of Lords from any Judgment or Determination of the Court of Appeal under this Act, or of any Sheriff, Justices or Justice, or Magistrate, upon any Complaint under the Provisions of this Act.

CLAUSE N.
Fees upon Appeals under this Act.

43. In lieu of the Fees now exigible by the Clerks of the Court of Justiciary on Proceedings under the Appellate Jurisdiction of that Court, they shall be entitled to charge One Fee of Five Shillings from each Appellant, and the like Fee from each Respondent appearing by a separate Agent in any Appeal under this Act; and no Fee Fund Dues shall be exigible in the Court of Session on or in respect of any Appeals under this Act.

CLAUSE O.
Sentence of Police Judges not to exceed a

44. Where by any Act of Parliament a Power is or shall be given to any Sheriff, Justices or Justice, or Magistrate in the Exercise of Jurisdiction as a Judge of Police to take cognizance of Offences punishable by Fine or Imprisonment, without any Declaration being expressed or implied of the Powers of such Judge of Police in relation to the Punishment of such Offences, it shall be lawful for such Sheriff, Justices or Justice, or Magistrate convicting for an Offence of which he or they may lawfully take cognizance, to sentence the Person convicted to pay a Penalty not exceeding Five Pounds, or, in the Discretion of the Judge, to sentence him to be imprisoned for any Period not exceeding Sixty Days from the Date of Imprisonment; and also to adjudge him to find Caution to keep the Peace for Six Months, under a further Penalty of Ten Pounds.

Fine of 5*l.* or Sixty Days Imprisonment in Cases where their Powers are not defined by Statute.

Clause P.
As to Actions of Damages against Public Prosecutors.

45. No Procurator Fiscal, or other Party prosecuting for the public Interest by Complaint under the Provisions of this Act, shall be liable to pay any greater Sum than Twenty Pounds as Damages for any Error or Default in the Proceedings taken on such Complaint, unless the Judge at the Trial of any Action of Damages shall certify that the Prosecutor against whom such Action is instituted was responsible for such Error or Default, and that the same was done maliciously and without probable Cause; and any such Prosecutor sued as aforesaid may at any Time put an End to the Action, in so far as not founded on Acts done maliciously and without probable Cause, by tendering Payment of the Sum of Twenty Pounds as Damages, with the Amount of the Penalty, if recovered, and the Expenses of such Action to the Date of the Tender.

Prosecutors, Complainers, and Respondents admissible as Witnesses.

46. Any Prosecutor or Complainer in any Complaint or Proceeding under the Authority of this Act, other than a Public Prosecutor or Party prosecuting under the Authority of any Act of Parliament for the public Interest, shall be a competent Witness to support such Complaint, and may also competently be adduced as a Witness for the Respondent; and every Respondent in any such Proceeding as is herein-before declared to be of a Civil Nature in respect of Jurisdiction may lawfully be examined as a Witness for either Party; and, except as herein provided, no Respondent in any Proceeding under this Act shall be competent or compellable to give Evidence.

Act 11 & 12 Vict. c. 43. not to be applicable to Proceedings in Scotland.

47. In Cases in which by any Act of Parliament the Provisions of an Act passed in the Eleventh and Twelfth Year of the Reign of Her present Majesty, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions "within England and Wales, with respect to summary Convictions "and Orders," are or shall be made applicable to Complaints or

Informations under any such Act, the Provisions of the said Act of the Eleventh and Twelfth Year of Her Majesty's Reign shall not be applicable to any Proceedings under such Act when instituted in Scotland; but the Provisions of this Act shall be applicable to all such Proceedings as may, under the Authority of any such Act, be instituted before any Sheriff, Justices or Justice, or Magistrate in Scotland.

Proceedings may be in Forms prescribed by this or other Acts.

48. The Proceedings in any Action or Complaint for the Prosecution for Offences or Recovery of Penalties under any Act of Parliament may either be according to the Form prescribed by such Act or any Act incorporated therewith, or according to the Form prescribed by this Act.

Court of Justiciary and Court of Session to have Power to extend the Operation of Appeals under this Act.

49. It shall be lawful for the High Court of Justiciary and for the Court of Session respectively from Time to Time to pass such Acts of Adjournal or Acts of Sederunt as may be necessary or proper for carrying into effect the Provisions of this Act, and in particular to regulate the Expenses of Proceedings in the Inferior Courts under this Act, and the Fees payable to Clerks of Court; and it shall be lawful for the Court of Justiciary by Act of Adjournal, at any Time within Three Years from the passing of this Act, to declare that the Form of Appeal herein-before provided shall be applicable to the Review of the Proceedings of Inferior Courts in Scotland in their ordinary Criminal Jurisdiction; and such Act of Adjournal shall be effectual from the Date thereof, but it shall not have the Effect of excluding Review by Advocation or Suspension of the Sentences of such Courts in their ordinary Criminal Jurisdiction, except in the particular Cases in which Appeals shall be brought under this Act.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

1. *Complaint for Offence at Common Law.*

UNDER THE SUMMARY PROCEDURE ACT, 1864.

Unto the Honourable Her Majesty's Justices of the Peace for the County of [*or* Sheriff of the County of *or* Magistrates of the Burgh of *as the Case may be*].

The Complaint of *A.B.*, Procurator Fiscal of Court [*or other Party entitled to prosecute with his Concurrence*]:

Humbly showeth,

That *J.K.* [*Designation*] has been guilty of the Crime of Theft [*or other Crime*], Actor, or Art and Part, in so far as on the Day of , or about that Time, he did [*here state the Particulars of the Offence, specifying particularly the Place where it was committed, and, if necessary, state,*] and that the said *J.K.* has been previously convicted of the Crime of Theft [*or other Crime*]:

May it therefore please your Honours [*or* Lordship] to grant Warrant to apprehend the said *J.K.*, and bring him before you [*or* to cite the said *J.K.* to appear before you] to answer to this Complaint, and thereafter to convict him of the said Crime, and to adjudge him to suffer the Pains of Law.

According to Justice.

A.B. [*Signature of Public Prosecutor, or of Private Prosecutor with Concurrence annexed.*]

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2. *Complaint praying for Conviction in Terms of Act, and for Imprisonment or Forfeiture.*

UNDER THE SUMMARY PROCEDURE ACT, 1864.

Unto the Honourable Her Majesty's Justices of the Peace for the County of [*or* Sheriff of the County of *or* Magistrates of the Burgh of].

The Complaint of *A.B.*, Procurator Fiscal of Court [*or other Party entitled to prosecute under the Act*]:

Humbly showeth,

That *J.K.* [*Designation*] has contravened the Act [*specify the Act or Acts*], in so far as on the Day of or about that Time he did [*state Particulars of Contravention, specifying the Place, and, if necessary, add,* and such Contravention is a 'first,' 'second,' &c., 'Offence,' or 'an Offence subsequent to the Offence,' *as may be required*], whereby the said *J.K.* is liable to be imprisoned for a Period not exceeding or to forfeit the Sum of £ [*or* a Sum not exceeding £] [*or* to be decerned and ordained to , and in case of Default to be].

May it therefore please your Honours [*or* Lordship] to grant Warrant to apprehend the said *J.K.*, and bring him before you [*or* to cite the said *J.K.* to appear before you] to answer to this Complaint, and thereafter to convict him of the aforesaid Contravention, and to adjudge him to suffer the Penalties provided by the said Act [*or* Acts, or any of them.]

[*Where a Warrant ad factum præstandum is desired, it must be specially prayed for.*]

According to Justice.

A.B. [*Signature of Prosecutor or Complainer.*]

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3. *Complaint praying for Forfeiture of Statutory Penalty.*

UNDER THE SUMMARY PROCEDURE ACT, 1864.

Unto the Honourable Her Majesty's Justices of the Peace for the County of [*or* Sheriff of the County of *or* Magistrates of the Burgh of].

The Complaint of *A.B.* [*Designation. If for the Public Interest, state so*]:

Humbly showeth,

That *J.K.* [*Designation*] has contravened the Act [*specify the Act or Acts*] in so far as on the Day of , or about that Time, he did [*state Particulars of Contravention, specifying the Place,*] whereby the said *J.K.* has forfeited the Sum of £ [*or* a Sum not exceeding £ .]

May it therefore please your Honours [*or* Lordship] to grant Warrant to cite the said *J.K.* to appear before you [*or* to grant Warrant to apprehend the said *J.K.* and to bring him before you] to answer to this Complaint, and thereafter to adjudge the said *J.K.* to forfeit and pay [to the Complainer *or* , *as the Case may be*] the Penalties specified in the said Act [*or* Acts, or any of them].

According to Justice.

A.B. [*Signature of Complainer.*

SCHEDULE (B.)

Oath of Verity.

At the Day of in presence of

Compeared *A.B.*, the Complainer, [*or* a credible Witness, *as the Case may be,*] who, being solemnly sworn, depones that what is contained in the foregoing Complaint is true, as he shall answer to God.

[*Signature of Complainer or Witness.*]
[*Signature of Judge.*]

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SCHEDULE (C.)

Warrant for Citation of Respondent.

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to serve a Copy of the foregoing Complaint and of this Deliverance upon *J.K.*, Respondent, and to cite him to appear personally to answer thereto at [*Court House or Place*] upon the Day of at o'Clock noon, with Certification, and also to cite Witnesses or Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge or Clerk of Court.*]

SCHEDULE (D.)

1. *Warrant for Apprehension of Respondent in the First Instance.*

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to search for and apprehend *J.K.*, Respondent, and, if necessary for that Purpose, to open any shut or lockfast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of , [*or* the Sheriff of the County of , *or* a Magistrate of the Burgh of ,] to answer to the foregoing Complaint at [*Court House or Place*], and in the meantime to detain him in a Police Station House or other convenient Place; and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge.*]

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2. *Warrant for Apprehension of the Respondent in the Second Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect *J.K.*, Respondent, has failed to appear to answer to the foregoing Complaint after being duly cited to this Diet, grants Warrant to Officers of Court to search for and apprehend the said *J.K.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of ,] and in the meantime to detain him in a Police Station House or other convenient Place; and also to cite Witnesses and Havers for both Parties for all Diets in the Cause.*

[*Signature of Judge.*]

* [*A Warrant to search for Stolen Goods or other Search Warrant may be prayed for in the Complaint, and included in the Warrant of Citation or Apprehension, if otherwise competent. If included in a Warrant of Citation, the Signature of a Judge will be requisite.*]

SCHEDULE (E.)

1. *Warrant for the Apprehension of a Witness in the First Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect it has been made to appear to him upon Oath that *E. F.* [*Designation*] is likely to give material Evidence for the Prosecution in the foregoing Complaint [*if the Complaint is on a separate Paper, describe it by the Names of the Parties and Date of Presentation*], and that it is probable that the said *E. F.* will not attend to give Evidence without being compelled so to do, grants Warrant to Officers of Court to apprehend the said *E.F.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and in the meantime to detain him in a Police Station House or other convenient Place, and to bring and have him on the Day of at o'Clock noon before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to bear Witness for the Prosecution in the foresaid Complaint.

[*Signature of Judge.*]

2. *Warrant for the Apprehension of a Witness in the Second Instance.*

The Justice [*or* Sheriff *or* Magistrate], in respect that *E. F.* [*Designation*] has failed to appear after having been duly cited to bear Witness for the Prosecution [*or* for the Respondent] in the foregoing Complaint [*if the Complaint is on a separate Paper, describe it by the Names of the Parties and Date of Presentation*], and no just Excuse has been offered on his Behalf, grants Warrant to Officers of Court to apprehend the said *E.F.*, and, if necessary for that Purpose, to open any shut or lockfast Places, and in the meantime to detain him in a Police Station or other convenient Place, and to bring and have him on the Day of at o'Clock noon before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to bear Witness for the Prosecution [*or* for the Respondent] in the foresaid Complaint.

[*Signature of Judge.*]

SCHEDULE (F.)

1. *Citation of Respondent.*

To *J.K.* [*Designation.*]

Take Notice that you are required to appear personally at the Place and Time specified in the foregoing Warrant, to answer to the Complaint to which this Notice is attached, with Certification.

This I do on the Day of

[*Signature of Officer.*]

2. *Citation of Witness.*

To *E. F.* [*Designation.*]

Take Notice that you are required to appear before any One of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] at [*Court House or Place*] on the Day of at the Hour of o'Clock noon, and at any adjourned Diet which you may be required to attend, to bear Witness for the Prosecution [*or* for the Respondent] in the Complaint at the Instance of *A. B.* [*Designation*], against *J.K.* [*Designation*], under Certification; [and also to bring with you such of the Documents mentioned in the subjoined Lists as may be in your Possession.]

This I do on the Day of

[*Signature of Officer.*]

SCHEDULE (G.)

1. *Execution of Citation of Respondent.*

Upon the Day of I duly cited the within designed *J.K.* to appear and answer before any One or more of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of], in the Matter and at the Time and Place above set forth. This I did by delivering to the said *J.K.* personally [*or* leaving at his last or usual Dwelling Place, as I could not find himself personally, *as the Case may be,*] a full Copy of the above Complaint, with a Citation to the above Effect thereto annexed.

[*Signature of Officer.*]

2. *Execution of Citation of Witnesses.*

Upon the Day of I duly summoned *E. F., &c.,* Witnesses for the Prosecution, [*or G. H., &c.,* Witnesses for the Respondent, to appear before any One of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] at [*Court House or Place*] on the Day of at o'Clock noon, and at any adjourned Diet, to bear Witness in the Complaint at the Instance of *A.B.* [*Designation*] against *J.K.* [*Designation*]. This I did by delivering a just Copy of Citation, signed by me, to the said *E.F.* [personally, *or otherwise, as the Case may be*].

[*Signature of Officer.*]

SCHEDULE (H.)

1. *Interlocutor adjourning the Diet.*

The Justice [*or* Sheriff *or* Magistrate] adjourns the Diet to the Day of , and appoints the said *J. K.* to appear personally on that Day at o'Clock noon.

[*Signature of Judge.*]

2. *Adjournment and Interim Warrant of Imprisonment.*

The Justice [*or* Sheriff *or* Magistrate] adjourns the Diet to the Day of , and in the meantime grants Warrant to imprison the said *J.K.* in the Prison of to be detained until that Time, or until he find Caution to appear at all future Diets of Court under a Penalty of £

[*Signature of Judge.*]

SCHEDULE (I.)

Minute of Procedure at the Hearing.

1. *When the Respondent appears.*

At the Day of in the Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate] appeared *J. K.* complained against; and the Complaint being read over to him, he answers that he is Not Guilty, [*or* that he is Guilty, *or* that he is liable in the Penalties mentioned in the Complaint.]

[*Signature.*]

[*If the Respondent pleads Not Guilty.*]

The Witness [*or* Witnesses] after named was [*or* were] examined upon Oath in Support of the Complaint, viz.:—

And the Witness [*or* Witnesses] after named was [*or* were] examined upon Oath in Exculpation, viz.:—

And the Witness [*or* Witnesses] after named was [*or* were] examined upon Oath in Replication, viz.:—

[*Note also the Production of any Documents or Articles produced in Evidence by either Party.*]

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2. *When the Respondent is absent.*

At the Day of in Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate], *J. K.* complained against having failed to appear, and after Proof by the Oath of Officer of Court that such Officer had duly summoned the said *J. K.*

The Witness [*or* Witnesses] after named was [*or* were] examined upon Oath in Support of the Complaint, viz.:—

[*Note also any Productions.*]

[*Follows the Conviction or Judgment.*]

SCHEDULE (K.)

1. *Conviction for Offence at Common Law.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], find the said *J.K.* guilty of [and that the said *J. K.* has been previously convicted of the like Offence], and therefore [*state the Terms of the Sentence*].

[*Signature of Judges or Judge.*]

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2. *Conviction for Contravention of Act punishable by Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J. K.* [*or* of the Evidence adduced], convict the said *J. K.* of the Offence charged [being a Offence], and adjudge him to be imprisoned in the Prison of for the Period of from this Date [*or* from the Date of his Imprisonment, *if the Respondent is absent*]. [*If authorized by the Act, add,* and find him liable in Payment to the Complainer of £ of Expenses, and adjudge him to be imprisoned in the said Prison for the further Period of Days from the Expiration of the last-mentioned Period, unless the said Sum shall be sooner paid]; and grant Warrant to Officers of Court to apprehend him and convey him to the said Prison, and to the Keeper thereof to receive and detain him accordingly.

[*Signature of Judges or Judge.*]

3. *Conviction for a Penalty, and, in default of Payment, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J. K.* [*or* of the Evidence adduced], convict the said *J. K.* of the Contravention [*or* Offence] charged [being a Offence], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* of modified Penalty, *where the Act imposes a specific Penalty, with Power to modify*], [with the Sum of £ of Expenses, *where Expenses may be awarded*]; and in default of immediate Payment thereof [*or, if Time be allowed, say,* within Days from this Date], adjudge him to be imprisoned in the Prison of for the Period of from the Date of his Imprisonment, unless the said Sum or Sums shall be sooner paid, and grant Warrant to Officers of Court to apprehend him and convey him to the said Prison, and to the Keeper thereof to receive and detain him accordingly.

[*Signature of Judges or Judge.*]

4. *Conviction for a Penalty to be recovered by Poinding, and in default of Recovery, Imprisonment.*

The Justices [*or* Justice *or* Sheriff *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], convict the said *J.K.* of the Contravention [*or* Offence] charged, [being a Offence], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty [*or* of modified Penalty, *where the Act imposes a specific Penalty, with Power to modify*] [with the Sum of £ of Expenses, *where Expenses may be awarded*]; and* in default of immediate Payment thereof, [*or, if Time is allowed, say,* within Days from this Date] grant Warrant for Recovery of the said Sum or Sums by Poinding of his Goods and Effects, and summary Sale thereof, on the Expiration of not less than Forty-eight Hours after such Poinding, without further Notice or Warrant; and appoint a Return or Execution of such Poinding and Sale to be made within Eight Days from this Date, [*or*, from the Expiration of the Period herein allowed for Payment, *where Time is allowed*], under Certification of Imprisonment for the Period of in default of Payment or Recovery of the said Sums with the Expenses of Diligence before the Time allowed for such Report.

[*Signature of Judges or Judge.*]

Report by Officer of Court.

I, *X. Y.*, Officer of Court, report, that by virtue of the foregoing Judgment and Warrant, I have made diligent Search for Goods and Effects of the within mentioned *J. K.*, and that I can find no sufficient Goods and Effects whereon to levy the Sums within mentioned.

Humbly reported this Day of by .

[*Signature of Officer.*]

Warrant of Imprisonment.

At the Day of , the Justice [*or* Sheriff *or* Magistrate], in respect it appears that the Sum [*or* Sums] mentioned in the foregoing Conviction, with the Expenses of Diligence, have not been paid, and that no sufficient Goods and Effects can be found whereon to levy the said Sum [*or* Sums] and Expenses, grants Warrant to Officers of Court to apprehend the said *J. K.*, and convey him to the Prison of and to the Keeper thereof to receive and detain him from the Period of from the Date of his Imprisonment, unless the said Sum [*or* Sums], with the further Sum of £ for the Expenses of Diligence, shall be sooner paid.

[*Signature of Judge.*]

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5. *Conviction for a Penalty to be recovered by Poinding and Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J. K.* [*or* of the Evidence adduced], convict the said *J. K.* of the Offence charged [being a Offence], and therefore adjudge him to forfeit and pay the Sum of £ of Penalty, [*or* of modified Penalty, *where the Act imposes a specific Penalty, with Power to modify*], [with the Sum of £ of Expenses, *where Expenses may be awarded,*] and* ordain instant Execution by Poinding and Sale, and Imprisonment for the Period of Days, in default of immediate Payment [*or if Time is allowed, say,* within Days from this Date]; grant Warrant to Officers of Court, in default of Payment of the said Sum [*or* Sums], for immediate Poinding of the Goods and Effects of the said *J.K.*, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding; appoint a Return of such Poinding and Sale to be reported within Eight Days from this Date; and in default of Payment grant Warrant to Officers of Court to apprehend the said *J.K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of Days from the Date of his Imprisonment, unless the said Sum [*or* Sums], together with the Expense of Poinding, if any, shall be sooner paid, or Liberation shall be granted.

[*Signature of Judges or Judge.*]

Warrant of Liberation.

The Justice [*or* Sheriff *or* Magistrate], in respect the Complainer has failed to certify by the Report of an Officer of Court, that no sufficient Goods and Effects of the said *J.K.* can be found whereon to levy the Sums specified in the foregoing Conviction within the Period of Eight Days therein mentioned [*or* in respect that a sufficient Poinding and Sale of the Effects of the said *J.K.* has been made], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *J.K.*

[*Signature of Judge.*]

*[*If at the Hearing it shall be made to appear that no sufficient Poinding and Sale can be made, or that the issuing of a Warrant of Poinding and Sale would be ruinous to the Respondent or his Family, then in place of the Warrants contained in either of the Two preceding Forms say:*

'And in respect it appears that no sufficient Poinding and Sale can be had 'whereon to levy the said Sum [*or* Sums;—*or*, in respect it appears that the 'issuing of a Warrant of Poinding and Sale in this Behalf would be ruinous 'to the said *J. K.* or his Family,] adjudge the said *J. K.* to be committed 'to the Prison of for the Period of Days from the Date 'of his Imprisonment, unless the said Sum [*or* Sums] shall be sooner paid, 'and grant Warrant to Officers of Court to apprehend him and convey him 'to the said Prison, and to the Keeper thereof to receive and detain him 'accordingly.']

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6. *Judgment for a Penalty recoverable by Diligence.*

The Justices [*or* Justice *or* Sheriff *or* Magistrate], in respect of the Judicial Confession of the said *J.K.* [*or* of the Evidence adduced], find that the said *J.K.* has incurred the Penalty [*or* the modified Penalty, *where there is a Power to modify*], of £ , and also find the said *J.K.* liable in £ of Expenses to the Complainer, and* ordain instant Execution by Arrestment, and also Execution by Poinding [and Imprisonment *where there is a Power to imprison*]: grant Warrant to Officers of Court to arrest all Debts and Sums of Money owing to the said *J.K.*, and [*if Time is allowed, add,* in default of Payment within Days from this Date] to poind his Goods and Effects and to sell the same at the Expiration of not less than Forty-eight Hours after such Poinding, without further Notice or Warrant; [*where the Act authorizes Imprisonment, add*], and appoint a Return or Execution of such Poinding and Sale to be made within Days from the Expiration of the Period hereby allowed for Payment, under Certification of Imprisonment [*if for a Term, specify the Term*], in default of Payment or Recovery of the said Sums with the Expenses of Diligence before the Time allowed for such Report.

[*Signature of Judges or Judge.*]

Warrant of Imprisonment to be granted upon Officer's Report.

The Justice [*or* Sheriff *or* Magistrate], in respect it appears that the Sums mentioned in the foregoing Judgment, with the Expenses of Diligence, have not been paid, and that a sufficient Sum has not been recovered by Diligence, grants Warrant to Officers of Court to apprehend the said *J. K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him until liberated in due Course of Law [*or, if the Imprisonment is for a Term, say,* for the Period of Days from the Date of his Imprisonment, unless the said Sums, with £ for the Expenses of Diligence, shall be sooner paid.]

[*Signature of Judge.*]

* [*If at the Hearing the Complainer shall competently move for Execution by Imprisonment in lieu of Arrestment, Poinding, and Sale, or if it shall appear that no sufficient Arrestment, Poinding, and Sale can be made, or that the issuing of a Warrant of Arrestment, Poinding, and Sale would be ruinous to the Respondent or his Family, then, in place of the Warrant annexed to the Judgment in the preceding Form, say :*

And in respect [*stating the Reason as above*] ordain instant Execution by Imprisonment, and grant Warrant to Officers of Court to apprehend the said *J. K.*, and convey him to the Prison of , and to the Keeper thereof to receive and detain him for the Period of from the Date of his Imprisonment, unless the said Penalty and Expenses shall be sooner paid.]

[*This Form only to be used where the Acts founded on authorize Imprisonment for a specified Period.*]

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7. *Judgment and Warrant ad factum præstandum, and, in default, Imprisonment.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate], in respect of the Judicial Confession of the said *J. K.* [*or* of the Evidence adduced], find the Complaint proven, and ordain the said *J. K.* to [*here state the Matter required to be done*] under Certification that if, upon a Copy of this Judgment being served upon the said *J. K.* by an Officer of Court, he shall neglect or refuse to obey the same within the Period of after such Service, he shall be imprisoned for the Period of Days: Find the said *J. K.* liable in £ of Expenses to the Complainer; and failing immediate Payment thereof [*or if Time be allowed,* within Days from this Date, *say*], grant Warrant for Recovery of the said Sum by Poinding of his Goods and Effects, and summary Sale thereof, *&c.*, [*as in No. 4 of this Schedule.*]

[*Signature of Judges or Judge.*]

Warrant of Imprisonment.

The Justice [*or* Sheriff *or* Magistrate], in respect it is now proved to his Satisfaction that a Copy of the foregoing Judgment was duly served upon the within named *J. K.*, upon the Day of , and that he has not as yet obeyed the Order therein contained, and that the Period appointed for Implement thereof is now expired, grants Warrant to apprehend the said *J. K.*, and convey him to the Prison of ; and to the Keeper thereof to receive and detain him for the Period of from the Date of his Imprisonment.

[*Signature of Judge.*]

[*Note.*—A Warrant ad factum præstandum in the above Form may, if required by the Act, be combined with a Conviction or Judgment for a Penalty. Where Judgment is given for the Expenses of obtaining a Warrant ad factum præstandum recoverable by Poinding and Sale, and Imprisonment in default, the Proceedings shall be as nearly as possible in conformity with the Forms above prescribed for the Recovery of Penalties and Expenses. If the Expenses are declared to be recoverable by ordinary Diligence, or by Arrestment and Poinding, the Warrant and Procedure will be as in No. 6.]

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8. *Judgment of Absolvitor.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate] assoilzie the within designed *J. K.* from the foregoing Complaint. [*If an Award of Expenses be competent, add,*] Find the within designed *A. B.*, Complainer, liable to the said *J.K.* in the Sum of £ of Expenses, and decern and ordain instant Execution therefor by Arrestment, and also Execution by Poinding and Sale after free Days; grant Warrant, *&c*, [*as in No.* 6, *omitting the Warrant of Imprisonment.*]

[*Signature of Judges or Judge.*]

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9. *Extract of Judgment.*

At the Day of , in Presence of . In the Complaint at the Instance of *A.B.* against *C.D.*, complaining that the said *C.D.* had the Justices [*or* Justice, *or* Sheriff, *or* Magistrate] in respect of [*state the Terms of the Conviction or Judgment, and of any subsequent Warrant upon which Execution is to proceed*]. Extracted by me, Clerk of Court.

[*Signature of Clerk.*]

Execution may proceed either upon the Judgment and Warrant itself, or upon an Extract in the above Form.

SCHEDULE (L.)

ACCOUNT by the CLERK of the Court of [*or* by the Keeper of the Prison of] of all Fines, Penalties, and Monies received by him, and how applied, from the Day of 18 , to the Day of 18 .

Name of Party convicted.	Date of Conviction.	Penalty or Fine.	Costs.	Amount received from Party convicted.	Application thereof.	Amount recovered by Poinding and Sale, or Arrestment.	Application thereof including Surplus, if any.

(Signed)

Clerk of the said Court, [*or* Keeper of the said Prison.]

Summary Procedure (Scotland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To make Provision for Uniformity of Process in summary Criminal Prosecutions and Prosecutions for Penalties in the Inferior Courts in Scotland.

(Prepared and brought in by
The Lord Advocate, Sir George Grey, and
Sir William Dunbar.)

Ordered, by The House of Commons, *to be Printed.*
21 *April* 1864.

[Bill 76.]

Under 5 oz.

A

BILL

TO

Provide for Superannuation Allowances to Officers of Unions and Parishes.

Preamble.

WHEREAS it is expedient that Provision should be made to enable Superannuation Allowances to be granted to Officers of Unions and Parishes who become disabled by Infirmity or Age to discharge the Duties of their Offices: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Guardians may, with Consent of Poor Law Board, grant Superannuation Allowances to Officers in certain Cases.

1. That the Guardians of any Union or Parish may, at their Discretion, with the Consent of the Poor Law Board, grant to any Officer in their Service who shall become incapable of discharging the Duties of his Office with Efficiency, by reason of permanent Infirmity of Mind or Body, or of old Age, upon his resigning or otherwise ceasing to hold his Office, an annual Allowance not exceeding in any Case *Two Thirds* of his then Salary, whether computed according to a fixed Sum or to a Poundage, and shall charge such Allowance to the same Fund as that to which such Salary would have been charged if he had continued in his Office.

Allowances not to be assignable for nor chargeable with Debts or other Liabilities.

2. This Allowance shall be payable to or in trust for such Officer only, and shall not be assignable nor chargeable with his Debts or other Liabilities.

No Allowance to be granted on the Ground of Age, unless Officer of the Age of 60 Years, and has been an Officer for 20 Years.

3. No Officer shall be entitled to such Allowance on the Ground of Age who shall not have completed the full Age of Sixty Years, and shall not have served as an Officer of some Union or Parish for Twenty Years at the least.

Notice of Grant to be given.

4. No Grant shall be made without One Month's previous Notice, to be specially given in Writing to every Guardian of the Union or Parish of the Proposal to make such Grant, and the Time when it shall be brought forward.

Interpretation.

5. The Words herein used shall be interpreted in the Manner prescribed by the Statute of the Fourth and Fifth Years of William the Fourth, Chapter Seventy-six, and the subsequent Acts amending or explaining the same.

Superannuations (Union Officers).

A

BILL

To provide for Superannuation Allowances to Officers of Unions and Parishes.

(Prepared and brought in by Mr. Villiers and Mr. Gilpin.)

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1864.

[Bill 133.]

Under 1*oz.*

Superior Courts of Common Law (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Commencement of Act; Sect. 1.

Writs for Commencement of Actions.

Personal Actions when Defendant resides within the Jurisdiction, to be commenced by Writ of Summons in Form No. 1. of Schedule (A.); 2.

Writs for Commencement of Actions to be issued in Rotation for the several Courts. No Objection on ground of Privilege to be valid; 3.

No Form or Cause of Action to be mentioned in Writ; 4.

Writ to state Names of all Defendants, and for only One Action; 5.

Writ to be dated on Day of issuing, and tested in Name of Superior Courts of Law; 6.

Writ to be indorsed with Name and Abode of Attorney, or a Memorandum that Writ has been sued by Plaintiff in Person; 7.

Attorney on Demand to declare whether Writ issued by his Authority, and to declare Name and Abode of his Client, if ordered. If Writ issued without Authority of Attorney, Proceedings to be stayed; 8.

Indorsement of Debt and Costs on Writ and Copy of Writ for a Debt, with Notice that Proceedings will be stayed on Payment within Four Days; 9.

Concurrent Writs may be issued; 10.

Renewal of Writs of Summons to save the Statute of Limitation, and for other Purposes; 11.

Production of renewed Writ, Evidence of Commencement of Action; 12.

Writ may be served in any County; 13.

Indorsement of Service to be made; 14.

As to Service of Writ on Corporations and Inhabitants of Baronies and Towns; 15.

Proceedings where personal Service cannot be effected, but Defendant knows of the Writ and evades Service; 16.

As to Actions against British Subjects residing out of the Jurisdiction of Superior Courts; 17.

As to Actions against Foreigners residing out of the Jurisdiction of Superior Courts; 18.

Courts may direct Substitution of Service; 19.

Omission to insert or indorse Matters in or on Writ, not to nullify it; 20.

Substitution by Mistake or Inadvertence of one Form of Writ for another, may be amended without Costs; 21.

Writs for Service within and without Jurisdiction may be concurrent and vice versâ; 22.

Special Indorsement of the Particulars of Debts or liquidated Demands may be made on the Writ. Special Indorsement to stand for Particulars of Demand; 23.

Appearance, and Proceedings in default of Appearance.

Final Judgment upon Writs specially indorsed in default of Appearance; 24.

Judgment for Nonappearance where the Writ is not indorsed in the special Form; 25.

Appearance to be entered at any Time before Judgment; 26.

Appearance by the Defendant in Person to give an Address, at which Proceedings may be served; 27.

Mode of Appearance to Writ of Summons; 28.

Proceedings mentioned in Writ or Notice may be had and taken; 29.

Proceedings where only some of the Defendants appear to a Writ specially indorsed; 30.

Joinder of Parties.

Joinder as Plaintiffs of all Persons supposed to be legally entitled; 31.

Defendant to have Benefit of Set-off, though some Plaintiffs improperly joined; 32.

No other Action for same Claim to be brought; 33.

Nonjoinder and Misjoinder of Plaintiffs may be amended before Trial; 34.

Nonjoinder and Misjoinder of Plaintiffs may be amended at the Trial as in Cases of Amendments of Variances under 3 & 4 Vict. c. 105. s. 45;—35.

Upon Notice or Plea of Nonjoinder of Plaintiffs, Proceedings may be amended; 36.

Misjoinder of Defendants may be amended before or at Trial; 37.

Pro-

Proceeding when Nonjoinder of Defendant objected to; 38.

Upon Plea in Abatement for Nonjoinder of Defendants, Proceedings may be amended; 39.

Provision in the Case of subsequent Proceedings against the Persons named in a Plea in Abatement for Nonjoinder of Defendants; 40.

Joinder of Claims by Husband and Wife, with Claims in right of Husband; 41.

Joinder of Causes of Action.

Different Causes of Action may be joined, but separate Trials may be ordered; 42.

Questions by Consent without Pleading.

Questions of Fact may, after Writ issued by Consent and Leave of a Judge, be raised without Pleadings; 43.

Agreement may be entered into for the Payment of Money and Costs according to the Result of the Issue; 44.

Judgment to be entered according to the Agreement, and Execution issued forthwith, unless stayed; 45.

Proceedings upon Issue may be recorded; 46.

Judge may, by Consent, try Questions of Fact; 47.

Questions of Law may be raised after Writ issued by Consent, &c., without Pleading; 48.

Agreement as to Payment of Money and Costs, according to Judgment upon special Case; 49.

Costs to follow the Event, unless otherwise agreed; 50.

Pleadings in general.

Fictitious and needless Averments not to be made; 51.

Judgment upon Demurrer to be given according to the very Right of the Cause; 52.

Objections by way of special Demurrer; 53.

Pleadings framed to embarrass may be struck out or amended; 54.

Four Days Notice to declare, reply, or rejoin; 55.

Pleadings to be dated and entered as of Time of Pleading, unless Order to the contrary; 56.

Profert and Oyer not necessary; 57.

Document may be set forth, and be considered a Part of the Pleading in which it is set forth; 58.

Declaration for Libel or Slander; 59.

Performance of Conditions. Precedent may be averred generally; 60.

The Process of Adjudication of an inferior Jurisdiction may be pleaded generally; 61.

Declaration.

Plaintiff to declare within a Year; 62.

Actions against Justices of the Peace, Mayors, &c. to be laid in the County in which the Cause of Action has arisen; 63.

Court or Judge may direct such Actions to be tried elsewhere; 64.

Court or Judge may, in transitory Actions, order Venue to be changed; 65.

Forms of Commencement, &c. of Declaration; 66.

Several Counts on the same Cause of Action not to be allowed; 67.

Commencement of Declaration after Plea of Nonjoinder; 68.

Further Particulars; 69.

Pleadings.

Rules to plead and Demand of Plea not necessary; 70.

Time for pleading, where Defendant is within Jurisdiction, to be Eight Days; 71.

Express Colour and special Traverses not necessary; 72.

Formal Commencement and Prayer of Judgment unnecessary; 73.

Commencement of Plea; 74.

Character of Assignees of Bankrupt, &c. to be taken as admitted, if not denied; 75.

Effect of Plea of Non-assumpsit in Actions on Simple Contract; 76.

Pleas of Non assumpsit and Never indebted not to be allowed in Actions on Bills of Exchange and Promissory Notes; 77.

Effect of Plea of Non est factum; 78.

Plea of Nil debet not to be allowed; 79.

Defences by way of Confession and Avoidance to be specially pleaded in Actions upon Contract; 80.

Payment not to be given in Evidence in Reduction of Amount without Plea; 81.

Effect of Plea of Non detinet; 82.

Effect of Plea of Not Guilty in Actions of Wrong; 83.

General Issue may be pleaded in certain Actions; 84.

In Actions of Wrong, Defences in Confession and Avoidance to be specially pleaded; 85.

Effect of Plea of Not Guilty in Acts of Trespass; 86.
Effect of Plea of Not Guilty in Actions for taking Goods; 87.
Set-off; 88.
Plea of Matter subsequent to Action; 89.
Plea Puis darrein continuance, when and how to be pleaded; 90.
Payment into Court; 91.
Payment into Court in Action on Money Bonds, and for Detainer; 92.
Payment into Court how pleaded; 93.
Payment of Money into Court; 94.
Proceeding by Plaintiff after Payment into Court; 95.
Pleas to Actions partaking both of Breach of Contract and Wrong; 96.
Payment, Set-off, and other Pleadings which can be construed distributively shall be so construed; 97.
Traverse of the Declaration; 98.
Traverse of Plea or subsequent Pleading of Defendant; 99.
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29 *April* 1864. 27 Vict.

A

BILL

TO

Amend the Process, Practice, and Mode of pleading in the Superior Courts of Common Law at Dublin.

WHEREAS it is expedient to amend the Process, Practice, and Mode of pleading in the Superior Courts of Common Law at Dublin: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

1. The Provisions of this Act come into operation on the Day of in the Year of our Lord

Writs for Commencement of Actions.

And with respect to the Writs for the Commencement of Personal Actions in the Superior Courts of Common Law at Dublin, against Defendants, whether in or out of the Jurisdiction of the Courts, be it enacted as follows:

Personal Actions when Defendant re-

2. All Personal Actions brought in Her Majesty's Superior Courts of Common Law at Dublin, where the Defendant is residing or supposed to reside within the Jurisdiction of the said Courts, sides within the Jurisdiction, to be commenced by Writ of Summons in Form No. 1. of Schedule (A.) 15 & 16 Vict. c. 76. s. 2.

other than in Cases of Summary Procedure upon Bills of Exchange and Promissory Notes, which are herein-after specially provided for, shall be commenced by Writ of Summons in the Form contained in the Schedule (A.) to this Act annexed, marked No. 1, and in every such Writ and Copy thereof the Place and County of the Residence or supposed Residence of the Party Defendant, or wherein the Defendant shall be or shall be supposed to be, shall be mentioned; and such Writ shall be authenticated by the Common Seal of the Superior Courts of Law at Dublin, to be thereunto set by the Clerk of the Writs, who shall not be required to sign such Writ, but shall enter the Particulars thereof in a Book to be kept for that Purpose, at the Time of the sealing thereof; and such Writ shall bear Date on the Day on which it shall be sealed, and may be issued out at any Time notwithstanding any Privilege.

Writs for Commencement of Actions to be issued in Rotation for the several Courts. 13 & 14 Vict. c. 18. ss. 38. 39.

3. All Writs of Summons for the Commencement of Actions in the said Courts shall, by the Clerk of the Writs, be entered and appropriated to the several Superior Courts of Law in rotation by Twenty-fives, that is to say, the first Twenty-five for the Queen's Bench, the second Twenty-five for the Common Pleas, and the third Twenty-five for the Exchequer, and so on in continuous Rotation of Twenty-fives for the several Courts, so as to produce and keep up an equal Distribution of such Writs; and all subsequent Proceedings in any Action so commenced shall be had and taken in the Court to which the said Writ shall be in the course of Rotation appropriated, and shall be the Business of the said Court and the Offices thereof: Provided always, that no Objection on the Ground of any Privilege possessed or claimed by any Defendant to be sued in any particular Court shall be valid in any such Action.

No Objection on ground of Privilege to be valid.

No Form or Cause of Action to be mentioned in Writ. 15 & 16 Vict. c. 76. s. 3.

4. It shall not be necessary to mention any Form or Cause of Action in any Writ of Summons, or in any Notice of Writ of Summons, issued under the Authority of this Act in any Personal Action.

Writ to state Names of all Defendants, and for only One Action. 15 & 16 Vict. c. 76. s. 4.

5. Every Writ of Summons shall contain the Names of all the Defendants, and shall not, save in Cases of Summary Procedure upon Bills of Exchange and Promissory Notes, contain the Name or Names of any Defendant or Defendants in more Actions than One.

Writ to be dated on Day of issuing, and tested in Name of Superior Courts of Law.

6. Every Writ of Summons shall bear Date on the Day on which the same shall be issued, and shall be tested in the Name of the Superior Courts of Common Law at Dublin, according to the Form contained in the Writ marked No. 1 in the Schedule (A.) to this Act annexed.

15 & 16 Vict. c. 76. s. 5.

7. Every Writ of Summons shall be indorsed with the Name and Place of Abode of the Attorney actually suing out the same, and in case no Attorney shall be employed to issue the Writ, then it shall be indorsed with a Memorandum expressing that the same has been sued out by the Plaintiff in Person, mentioning the City, Town, or Parish, and also the Name of the Street, and Number of the House of such Plaintiff's Residence, if any such there be.

Writ to be indorsed with Name and Abode of Attorney, or a Memorandum that Writ has been sued by Plaintiff in Person. 15 & 16 Vict. c. 76. s. 6.

8. Every Attorney whose Name shall be indorsed on any Writ issued by Authority of this Act shall, on Demand in Writing, made by or on behalf of any Defendant, declare forthwith whether such Writ has been issued by him or with his Authority or Privity; and if he shall answer in the Affirmative, then he shall also, in case the Court or a Judge shall so order and direct, declare in Writing, within a Time to be allowed by such Court or Judge, the Profession, Occupation, or Quality, and Place of Abode of the Plaintiff, on pain of being guilty of a Contempt of the Court into which such Writ shall be returnable; and if such Attorney shall declare that the Writ was not issued by him, or with his Authority or Privity, all Proceedings upon the same shall be stayed, and no further Proceedings shall be taken thereupon without Leave of the Court or a Judge.

Attorney on Demand to declare whether Writ issued by his Authority, and to declare Name and Abode of his Client, if ordered. 15 & 16 Vict. c. 76. s. 7.

If Writ issued without Authority of Attorney, Proceedings to be stayed.

9. Upon the Writ and Copy of any Writ served for the Payment of any Debt, except in Cases of Summary Procedure upon Bills of Exchange and Promissory Notes, which are herein-after specially provided for, the Amount of the Debt shall be stated, and the Amount of what the Plaintiff's Attorney claims for the Costs of such Writ, Copy, and Service, and Attendance to receive Debt and Costs, and it shall be further stated that upon Payment thereof within Four Days to the Plaintiff or his Attorney, further Proceedings will be stayed; which Indorsement shall be written or printed in the following Form or to the like Effect:

Indorsement of Debt and Costs on Writ and Copy of Writ for a Debt, with Notice that Proceedings will be stayed on Payment within Four Days. 15 & 16 Vict. c. 76. s. 8.

> 'The Plaintiff claims £ for Debt, and '£ for Costs, and if the Amount 'thereof be paid to the Plaintiff or to his Attorney within Four 'Days from the Service hereof, further Proceedings will be 'stayed.'

But the Defendant shall be at liberty, notwithstanding such Payment, to have the Costs taxed, and if more than One Sixth shall be disallowed, the Plaintiff's Attorney shall pay the Costs of Taxation.

Concurrent Writs may be issued. 15 & 16 Vict. c. 76. s. 9.

10. The Plaintiff in any such Action may, at any Time during Six Months from the issuing of the original Writ of Summons, issue One or more concurrent Writ or Writs, each concurrent Writ to bear Teste of the same Day as the original Writ, and to be marked with a Seal bearing the Word "Concurrent," and the Date of issuing the concurrent Writ; and such Seal shall be provided and kept for that Purpose at the Office of the Clerk of the Writs, and shall be impressed by him upon the Writ: Provided always, that such concurrent Writ or Writs shall only be in force for the Period during which the original Writ in such Action shall be in force.

Renewal of Writs of Summons to save the Statute of Limitation, and for other Purposes. 15 & 16 Vict. c. 76. s. 11. 16 & 17 Vict. c. 113. s. 28.

11. No original Writ of Summons shall be in force for more than Six Months from the Day of the Date thereof, including the Day of such Date; but if any Defendant therein named has not been served therewith, the original or concurrent Writ of Summons may be renewed at any Time before its Expiration for Six Months from the Date of such Renewal, including the Day of such Date, and so from Time to Time during the Currency of the renewed Writ, by being marked with the Common Seal of the Superior Courts, together with a Memorandum signed or initialed by the Officer of the Date of the Day, Month, and Year of such Renewal, and a Writ of Summons so renewed shall remain in force and be available for all Purposes from the Date of the issuing of the original Writ of Summons: Provided always, that no Writ of Summons so renewed shall be available to prevent the Operation of any Statute whereby the Time for the Commencement of the Action may be limited, unless such Renewal shall be had by Leave of the Court or a Judge, on an Affidavit to satisfy the said Court or Judge, that reasonable Diligence was used to effect Service thereof.

Production of renewed Writ Evidence of Commencement of Action. 15 & 16 Vict. c. 76. s. 13.

12. The Production of a Writ of Summons purporting to be marked with the Common Seal of the said Superior Courts and initialed by the said Officer, showing the same to have been renewed according to this Act, shall be sufficient Evidence of its having been so renewed, and of the Commencement of the Action as of the First Date of such renewed Writ for all Purposes.

Writ may be served in any County. 15 & 16 Vict. c. 76. s. 14.

13. The Writ of Summons in any Action may be served in any County.

Indorsement of Service to be made. 15 & 16 Vict. c. 76. s. 15.

14. The Person serving the Writ of Summons shall and he is hereby required, within Three Days after such Service, to indorse on the Writ the Day of the Month and Week of the Service thereof; otherwise the Plaintiff shall not be at liberty, in case of

Nonappearance, to proceed under this Act; and every Affidavit of Service of such Writ shall mention the Day on which such Indorsement was made.

As to Service of Writ on Corporations and Inhabitants of Baronies and Towns. 15 & 16 Vict. c. 76. s. 16.

15. Every such Writ of Summons issued against a Corporation Aggregate may be served on the Mayor or other head Officer, or on the Town Clerk, Clerk, Treasurer, or Secretary of such Corporation; and every such Writ issued against the Inhabitants of a Barony, Half Barony, or other like District may be served on the High Constable thereof, or any One of the High Constables thereof; and every such Writ issued against the Inhabitants of any County of any City or Town, or the Inhabitants of any Franchise, Liberty, City, Town, or Place not being Part of a Barony or other like District, on some Peace Officer thereof, or other known and responsible Officer thereof.

Proceedings where personal Service cannot be effected, but Defendant knows of the Writ and evades Service. 15 & 16 Vict. c. 76. s. 17.

16. The Service of the Writ of Summons, wherever it may be practicable, shall be personal, but it shall be lawful for the Plaintiff to apply from Time to Time, on Affidavit, to the Court into which the Writ of Summons is returnable, or to a Judge thereof; and in case it shall appear to such Court or Judge that reasonable Efforts have been made to effect personal Service, and either that the Writ has come to the Knowledge of the Defendant, or that he wilfully evades Service of the same, and has not appeared thereto, it shall be lawful for such Court or Judge to order that the Plaintiff be at liberty to proceed as if personal Service had been effected, subject to such Conditions as to the Court or Judge may seem fit.

As to Actions against British Subjects residing out of the Jurisdiction of Superior Courts. 15 & 16 Vict. c. 76. s. 18.

17. In case any Defendant, being a British Subject, is residing out of the Jurisdiction of the Superior Courts, in any Place except in Scotland or England, it shall be lawful for the Plaintiff to issue a Writ of Summons in the Form contained in the Schedule (A.) to this Act annexed, marked No. 2, which Writ shall bear the Indorsement contained in the said Form, purporting that such Writ is for Service out of the Jurisdiction of the said Superior Courts; and the Time for Appearance by the Defendant to such Writ shall be regulated by the Distance from Ireland of the Place where the Defendant is residing; and it shall be lawful for such Court or Judge as aforesaid, upon being satisfied by Affidavit that there is a Cause of Action which arose within the Jurisdiction, or in respect of the Breach of a Contract made within the Jurisdiction, and that the Writ was personally served upon the Defendant, or that reasonable Efforts were made to effect personal Service thereof upon the Defendant, and that it came to his Knowledge, and either that the Defendant wilfully neglects to appear to such Writ, or that he is living out of the Jurisdiction of the said Courts in order to to defeat and delay his Creditors, to direct from Time to Time that the Plaintiff shall be at liberty to proceed in the Action in such Manner and subject to such Conditions as to such Court or Judge may seem fit, having regard to the Time allowed for the Defendant to appear, being reasonable, and to the other Circumstances of the Case: Provided always, that the Plaintiff shall, and he is hereby required to, prove the Amount of the Debt or Damages claimed by him in such Action, either before a Jury upon a Writ of Inquiry, or before One of the Masters of the said Superior Courts in the Manner herein-after provided, according to the Nature of the Case, as such Court or Judge may direct; and the making such Proof shall be a Condition precedent to his obtaining Judgment.

As to Actions against Foreigners residing out of the Jurisdiction of Superior Courts. 15 & 16 Vict. c. 76. s. 19.

18. In any Action against a Person residing out of the Jurisdiction of the said Courts, and not being a British Subject, the like Proceedings may be taken as against a British Subject resident out of the Jurisdiction, save, that in lieu of the Form of Writ of Summons in the Schedule (A.) to this Act annexed, marked No. 2, the Plaintiff shall issue a Writ of Summons according to the Form contained in the said Schedule (A.) marked No. 3, and shall in Manner aforesaid serve a Notice of such last-mentioned Writ upon the Defendant therein mentioned, which Notice shall be in the Form contained in the said Schedule also marked No. 3; and such Service shall be of the same Force and Effect as the Service of the Writ of Summons in any Action against a British Subject resident abroad, and by Leave of such Court or Judge, as aforesaid, upon their or his being satisfied by Affidavit as aforesaid, the like Proceedings may be had and taken thereupon.

Courts may direct Substitution of Service. 16 & 17 Vict. c. 113. s. 34.

19. In case any Defendant is residing out of the Jurisdiction of the said Superior Courts, it shall be lawful for the said Court or Judge as aforesaid, upon being satisfied by Affidavit that there is a Cause of Action which arose within the Jurisdiction, or in respect of the Breach of a Contract made within the Jurisdiction, and that such Defendant can be properly served through any Agent or Representative, or any Manager of the Real or Personal Estate of such Defendant within such Jurisdiction, upon an Application made at any Time while the said Writ shall be in force, to authorize such Substitution of Service through the Post Office, or in such Manner, and with such Extensions of Time for Service and Appearance, as to them or him shall seem fit; and that in default of an Appearance the Plaintiff may proceed thereon to Judgment, as the Court or Judge may direct; and the Taxing Officer shall allow reasonable Costs on such Proceedings for substituting Service or effecting such Service as the Court or Judge shall have directed or deemed good.

20. If the Plaintiff or his Attorney shall omit to insert in or indorse on any Writ or Copy thereof, any of the Matters herein-before required to be inserted therein or indorsed thereon, such Writ or Copy thereof shall not on that Account be held void, but it may be set aside as irregular, or amended, upon Application to be made to the Court into which the same shall be returnable, or to a Judge; and such Amendment may be made, upon Application to set aside the Writ, upon such Terms as to the Court or Judge may seem fit.

Omission to insert or indorse Matters in or on Writ not to nullify it. 15 & 16 Vict. c. 76. s. 20.

21. If any of the Forms of Writ of Summons contained in the Schedule (A.) to this Act annexed, and marked respectively Nos. 1, 2, and 3, shall by Mistake or Inadvertence be substituted for any other of them, such Mistake or Inadvertence shall not be an Objection to the Writ or any other Proceeding in such Action, but the Writ may, upon an ex parte Application to the Court or a Judge, whether before or after any Application to set aside such Writ or any Proceeding thereon, and whether the same or Notice thereof shall have been served or not, be amended by such Court or Judge without Costs.

Substitution by Mistake or Inadvertence of one Form of Writ for another, may be amended without Costs. 15 & 16 Vict. c. 76. s. 21.

22. A Writ for Service within the Jurisdiction may be issued and marked as a concurrent Writ with One for Service out of the Jurisdiction, and a Writ for Service out of the Jurisdiction may be issued and marked as a concurrent Writ, with One for Service within the Jurisdiction.

Writs for Service within and without Jurisdiction, may be concurrent and vice versâ. 15 & 16 Vict. c. 76. s. 22.

23. In all Cases other than Cases of Summary Procedure upon Bills of Exchange and Promissory Notes, which are herein-after specially provided for, where the Defendant resides within the Jurisdiction of the said Courts, and the Claim is for a Debt or liquidated Demand in Money, with or without Interest, arising upon a Contract express or implied, as, for instance, on a Bill of Exchange, Promissory Note, or Cheque, or other simple Contract Debt, or on a Bond or Contract under Seal for Payment of a liquidated Amount of Money, or on a Statute where the Sum sought to be recovered is a fixed Sum of Money, or in the Nature of a Debt, or on a Guarantee, whether under Seal or not, where the Claim against the Principal is in respect of such Debt or liquidated Demand, Bill, Cheque, or Note, the Plaintiff shall be at liberty to make upon the Writ of Summons and Copy thereof a special Indorsement of the Particulars of his Claim, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 4., or to the like Effect; and when a Writ of Summons has been indorsed in the special Form herein-before mentioned, the Indorsement shall be considered as Particulars of Demand, and no further or other

Special Indorsement of the Particulars of Debts or liquidated Demands may be made on the Writ. 15 & 16 Vict. c. 76. s. 25.

Special Indorsement to stand for Particulars of Demand.

Particulars of Demand need be delivered, unless ordered by the Court or a Judge.

Appearance and Proceedings in default of Appearance.

And with respect to the Appearance of the Defendant, and the Proceedings of the Plaintiff in default of Appearance, be it enacted as follows:

Final Judgment upon Writ specially indorsed in default of Appearance. 15 & 16 Vict. c. 76. s. 27.

24. In case of Nonappearance by the Defendant, where the Writ of Summons is indorsed in the special Form herein-before provided, it shall and may be lawful for the Plaintiff, on filing an Affidavit of personal Service of the Writ of Summons, or the Order of a Court or Judge for Leave to proceed under the Provisions of this Act, and a Copy of the Writ of Summons, at once to sign Final Judgment in the Form contained in the Schedule (A.) to this Act annexed, marked No. 5, (on which Judgment no Proceeding in Error shall lie) for any Sum not exceeding the Sum indorsed on the Writ, together with Interest at the Rate specified, if any, to the Date of the Judgment, and a Sum for Costs (to be fixed by a General Order to be made as herein-after mentioned), unless the Plaintiff claim more than such fixed Sum, in which Case the Costs shall be taxed in the ordinary Way; and the Plaintiff may upon such Judgment issue Execution at the Expiration of Eight Days from the last Day for Appearance, and not before: Provided always, that it shall be lawful for the Court or a Judge, either before or after Final Judgment, to let in the Defendant to defend upon an Application supported by satisfactory Affidavits, accounting for the Nonappearance, and disclosing a Defence upon the Merits.

Judgment for Nonappearance where the Writ is not indorsed in the special Form. 15 & 16 Vict. c. 76. s. 28.

25. In case of such Nonappearance, where the Writ of Summons is not indorsed in the Special Form herein-before provided, it shall and may be lawful for the Plaintiff, on filing an Affidavit of personal Service of the Writ of Summons, or the Order for Leave to proceed under the Provisions of this Act, or in the Case of Service substituted under the Provisions of this Act, on filing the Order directing such Substitution of Service, and an Affidavit, showing that the Directions of such Order have been complied with, and a Copy of the Writ of Summons to file a Declaration indorsed with a Notice to plead in Eight Days, and to sign Judgment by Default at the Expiration of the Time to plead so indorsed as aforesaid; and in the event of no Plea being delivered, where the Cause of Action mentioned in the Declaration is for any of the Claims which might have been inserted in the special Indorsement on the Writ of Summons herein-before provided, and the Amount claimed is indorsed on the Writ of Summons; the Judgment shall be final, and Execution may issue for an Amount not exceeding the Amount indorsed on the Writ of Summons, with Interest at the Rate specified, if any, and the Sum fixed by a General Order for Costs as herein-before mentioned, unless the Plaintiff claim more, in which Case the Costs shall be taxed in the ordinary Way: Provided always, that in such Case the Plaintiff shall not be entitled to more Costs than if he had made such special Indorsement, and signed Judgment upon Nonappearance.

Appearance to be entered at any Time before Judgment. 15 & 16 Vict. c. 76. s. 29.

26. The Defendant may appear at any Time before Judgment, and if he appear after the Time specified either in the Writ of Summons or in any Order to proceed as if personal Service had been effected, or in any Order directing Substitution of Service, he shall, after Notice of such Appearance to the Plaintiff or his Attorney, as the Case may be, be in the same Position as to Pleadings and other Proceedings in the Action as if he had appeared in Time: Provided always, that a Defendant appearing after the Time appointed by the Writ shall not be entitled to any further Time for pleading or any other Proceeding than if he had appeared within such appointed Time.

Appearance by the Defendant in Person to give an Address, at which Proceedings may be served. 15 & 16 Vict. c. 76. s. 30.

27. Every Appearance by the Defendant in Person shall give an Address, at which it shall be sufficient to leave all Pleadings and other Proceedings not requiring personal Service and if such Address be not given, the Appearance shall not be received; and if an Address so given shall be illusory or fictitious, the Appearance shall be irregular, and may be set aside by the Court or a Judge, and the Plaintiff may be permitted to proceed, by sticking up the Proceedings in the Master's Office without further Service.

Mode of Appearance to Writ of Summons. 15 & 16 Vict. c. 76. s. 31.

28. The Mode of Appearance to every such Writ of Summons, or under the Authority of this Act, shall be by delivering a Memorandum in Writing according to the following Form, or to the like Effect:

‘*A.B.*, Plaintiff, against *C.D.*
or
against *C.D.* and another,
or
against *C.D.* and others:
} The Defendant *C.D.* appears in Person, *or*
E.F., Attorney for *C.D.*, appears for him.

[*If the Defendant appears in Person here give his Address.*]

“Entered the Day of 18 .’

Such Memorandum to be delivered to the proper Officer or Person in that Behalf, and to be dated on the Day of the Delivery thereof.

Proceedings mentioned in Writ or Notice may be had and taken. 15 & 16 Vict. c. 76. s. 32.

29. All such Proceedings as are mentioned in any Writ or Notice issued under this Act shall and may be had and taken in default of a Defendant's Appearance.

Proceedings where only some of the Defendants appear to a Writ specially indorsed.
15 & 16 Vict. c. 76. s. 33.

30. In any Action brought against Two or more Defendants, where the Writ of Summons is indorsed in the special Form hereinbefore provided, if One or more of such Defendants only shall appear, and another or others of them shall not appear, it shall and may be lawful for the Plaintiff to sign Judgment against such Defendant or Defendants only as shall not have appeared, and, before Declaration against the other Defendant or Defendants, to issue Execution thereupon, in which Case he shall be taken to have abandoned his Action against the Defendant or Defendants who shall have appeared; or the Plaintiff may, before issuing such Execution, declare against such Defendant or Defendants as shall have appeared, stating by way of Suggestion, the Judgment obtained against the other Defendant or Defendants who shall not have appeared, in which Case the Judgment so obtained against the Defendant or Defendants who shall not have appeared shall operate and take effect in like Manner as a Judgment by Default obtained before the Commencement of the "Common Law Procedure Amendment Act, Ireland, 1853," against One or more of the several Defendants in an Action of Debt before the Commencement of the said Act.

Joinder of Parties.

And with respect to the Joinder of Parties to Actions, be it enacted as follows:

Joinder as Plaintiffs of all Persons supposed to be legally entitled.
23 & 24 Vict. c. 126. s. 19.

31. The Joinder of too many Plaintiffs shall not be fatal, but every Action may be brought in the Name of all the Persons in whom the legal Right may be supposed to exist; and Judgment may be given in favour of the Plaintiffs by whom the Action is brought, or of One or more of them, or, in case of any Question of Misjoinder being raised, then in favour of such One or more of them as shall be adjudged by the Court to be entitled to recover: Provided always, that the Defendant, though unsuccessful, shall be entitled to his Costs occasioned by joining any Person or Persons in whose Favour Judgment is not given, unless otherwise ordered by the Court or a Judge.

Defendant to have Benefit of Set-off, though some Plaintiffs improperly joined.
23 & 24 Vict. c. 126. s. 20.

32. Upon the Trial of such Cause, a Defendant who has therein pleaded a Set-off may obtain the Benefit of his Set-off by proving either that all the Parties named as Plaintiffs are indebted to him, notwithstanding that One or more of such Plaintiffs was or were improperly joined, or on proving that the Plaintiff or Plaintiffs who establish their Right to maintain the Cause is or are indebted to him.

No other Action for same Claim to be brought.
23 & 24 Vict. c. 126. s. 21.

33. No other Action shall be brought against the Defendant by any Person so joined as Plaintiff in respect of the same Cause of Action.

34. It shall and may be lawful for the Court or a Judge, at any Time before the Trial of any Cause, to order that any Person or Persons not joined as Plaintiff or Plaintiffs in such Cause shall be so joined; or that any Person or Persons originally joined as Plaintiff or Plaintiffs shall be struck out from such Cause, if it shall appear to such Court or Judge that Injustice will not be done by such Amendment, and that the Person or Persons to be added as aforesaid consent, either in Person or by Writing under his, her, or their Hands, to be so joined, or that the Person or Persons to be struck out as aforesaid were originally introduced without his, her, or their Consent, or that such Person or Persons consent in manner aforesaid to be so struck out; and such Amendment shall be made upon such Terms as to the Amendment of the Pleadings, if any, Postponement of the Trial, and otherwise, as the Court or Judge by whom such Amendment is made shall think proper; and when any such Amendment shall have been made, the Liability of any Person or Persons who shall have been added as Co-Plaintiff or Co-Plaintiffs, shall, subject to any Terms imposed as aforesaid, be the same as if such Person or Persons had been originally joined in such Cause.

Nonjoinder and Misjoinder of Plaintiffs may be amended before Trial. 15 & 16 Vict. c. 76. s. 34.

35. In case it shall appear at the Trial of any Action that there has been a Misjoinder of Plaintiffs, or that some Person or Persons not joined as Plaintiff or Plaintiffs ought to have been so joined, and the Defendant shall not, at or before the Time of pleading, have given Notice in Writing that he objects to such Misjoinder or Nonjoinder, specifying therein the Name or Names of such Person or Persons, such Misjoinder or Nonjoinder may be amended, as a Variance, at the Trial by any Court of Record holding Plea in Civil Actions and by any Judge sitting at Nisi Prius or other presiding Officer, in like Manner as to the Mode of Amendment, and Procedings consequent thereon, or as near thereto as the Circumstances of the Case will admit, and in the Case of Amendments of Variance under any Act of Parliament passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty the Queen, intituled "An Act for abolishing Arrest "on Mesne Process in Civil Actions, except in certain Cases; "for extending the Remedies of Creditors against the Property of "Debtors; and for the further Amendment of the Law and the "better Advancement of Justice in Ireland," if it shall appear to such Court or Judge or other presiding Officer that such Misjoinder or Nonjoinder was not for the Purpose of obtaining an undue Advantage, and that Injustice will not be done by such Amendment, and that the Person or Persons to be added as aforesaid consent, either in Person or by Writing under his, her, or their Hands, to be

Nonjoinder and Misjoinder of Plaintiffs may be amended at the Trial as in Cases of Amendments of Variances under 3 & 4 Vict. c. 105. s. 45. 15 & 16 Vict. c. 76. s. 35.

be so joined, or that the Person or Persons to be struck out as aforesaid were originally introduced without his, her, or their Consent, or that such Person or Persons consent in manner aforesaid to be so struck out; and such Amendment shall be made upon such Terms as the Court or Judge or other presiding Officer by whom such Amendment is made shall think proper; and when any such Amendment shall have been made, the Liability of any Person or Persons who shall have been added as Co-Plaintiff or Co-Plaintiffs shall, subject to any Terms imposed as aforesaid, be the same as if such Person or Persons had been originally joined in such Action.

Upon Notice or Plea of Nonjoinder of Plaintiffs, Proceedings may be amended. 15 & 16 Vict. c. 76. s. 36.

36. In case such Notice be given, or any Plea in Abatement of Nonjoinder of a Person or Persons as Co-Plaintiff or Co-Plaintiffs, in Cases where such Plea in Abatement may be pleaded, be pleaded by the Defendant, the Plaintiff shall be at liberty to enter a Side Bar Order to amend the Writ and other Proceedings before Plea, by adding the Name or Names of the Person or Persons named in such Notice or Plea in Abatement, and to proceed in the Action without any further Appearance, on Payment of the Costs of and occasioned by such Amendment only, and in such Case the Defendant shall be at liberty to plead de novo.

Misjoinder of Defendants may be amended before or at Trial. 15 & 16 Vict. c. 76. s. 37.

37. It shall and may be lawful for the Court or a Judge in the Case of the Joinder of too many Defendants in any Action or Contract, at any Time before the Trial of such Cause, to order that the Name or Names of One or more of such Defendants be struck out, if it shall appear to such Court or Judge that Injustice will not be done by such Amendment; and the Amendment shall be made upon such Terms as the Court or Judge by whom such Amendment is made shall think proper; and in case it shall appear at the Trial of any Action on Contract that there has been a Misjoinder of Defendants, such Misjoinder may be amended as a Variance at the Trial, in like Manner as the Misjoinder of Plaintiffs has been herein-before directed to be amended, and upon such Terms as the Court or Judge or other presiding Officer by whom such Amendment is made shall think proper.

Proceeding when Nonjoinder of Defendant objected to. 3 & 4 Vict. c. 105. ss. 37. 38.

38. No Plea in Abatement for the Nonjoinder of any Person as a Co-Defendant shall be allowed unless it shall be stated in such Plea that such Person is resident within the Jurisdiction of the Court, and unless the Place of Residence of such Person shall be stated with convenient Certainty in an Affidavit verifying such Plea; and upon any Objection for the Nonjoinder of a Defendant being taken by Plea in Abatement, it shall be competent to the Plaintiff to reply that such Person has been discharged by Bankruptcy or Insolvency, or that the Statute of Limitations would be a Bar to any Action against him.

Upon Plea in Abatement for Nonjoinder of Defendants, Proceedings may be amended. 15 & 16 Vict. c. 76. s. 38.

39. In any Action or Contract where the Nonjoinder of any Person or Persons as a Co-Defendant or Co-Defendants has been pleaded in Abatement, the Plaintiff shall be at liberty to enter a Side Bar Order, to amend the Writ of Summons and the Declaration, by adding the Name or Names of the Person or Persons named in such Plea in Abatement as joint Contractors, and to serve the amended Writ upon the Person or Persons so named in such Plea in Abatement, and to proceed against the original Defendant or Defendants, and the Person or Persons so named in such Plea in Abatement: Provided that the Date of such Amendment shall, as between the Person or Persons so named in such Plea in Abatement and the Plaintiff, be considered for all Purposes as the Commencement of the Action.

Provision in the Case of subsequent Proceedings against the Persons named in a Plea in Abatement for Nonjoinder of Defendants. 15 & 16 Vict. c. 76. s. 39.

40. In all Cases after such Plea in Abatement and Amendment, if it shall appear upon the Trial of the Action that the Person or Persons so named in such Plea in Abatement was or were jointly liable with the original Defendant or Defendants, the original Defendant or Defendants shall be entitled as against the Plaintiff to the Costs of such Plea in Abatement and Amendment; but if at such Trial it shall appear that the original Defendant or any of the original Defendants is or are liable, but that One or more of the Persons named in such Plea in Abatement is or are not liable as a contracting Party or Parties, the Plaintiff shall nevertheless be entitled to Judgment against the other Defendant or Defendants who shall appear to be liable; and every Defendant who is not so liable shall have Judgment, and shall be entitled to his Costs as against the Plaintiff, who shall be allowed the same, together with the Costs of the Plea in Abatement and Amendment, as Costs in the Cause against the original Defendant or Defendants who shall have so pleaded in Abatement the Nonjoinder of such Person: Provided that any such Defendant who shall have so pleaded in Abatement shall be at liberty on the Trial to adduce Evidence of the Liability of the Defendants named by him in such Plea in Abatement.

Joinder of Claims by Husband and Wife, with Claims in right of Husband. 16 & 17 Vict. c. 113. s. 55.

41. In any Action brought by a Man and his Wife for any Cause of Action arising in respect of the Wife, and in respect of which she is necessarily joined as Co-Plaintiff, it shall be lawful for the Husband to add thereto Claims in his own Right, and separate Actions brought in respect of such Claims may be consolidated if the Court or Judge shall think fit: Provided that in the Case of the Death of either Plaintiff such Suit, so far only as relates to the Causes of Action, if any, which do not survive, shall abate.

Joinder of Causes of Action.

And with respect to Joinder of Causes of Action, be it enacted as follows:

Different Causes of Action may be joined, but separate Trials may be ordered. 15 & 16 Vict. c. 76. s. 41.

42. Causes of Action of whatever Kind, provided they be by and against the same Parties and in the same Rights, may be joined in the same Suit, but this shall not extend to Real Actions or to Actions of Replevin or Ejectment; and where Two or more of the Causes of Action so joined are local and arise in different Counties, the Venue may be laid in either of such Counties, but the Court or a Judge shall have Power to prevent the Trial of different Causes of Action together if such Trial would be inexpedient, and in such Case such Court or Judge may order separate Records to be made up, and separate Trials to be had.

Questions by Consent, without Pleading.

And for the Determination of Questions raised by Consent of the Parties without pleading, be it enacted as follows:

Questions of Fact may, after Writ issued by Consent and Leave of a Judge, be raised without Pleadings. 15 & 16 Vict. c. 76. s. 42.

43. Where the Parties to an Action are agreed as to the Question or Questions of Fact to be decided between them, they may, after Writ issued and before Judgment, by Consent and Order of the Court or a Judge, (which Order the said Court or Judge shall have Power to make, upon being satisfied that the Parties have a bonâ fide Interest in the Decision of such Question or Questions, and that the same is or are fit to be tried,) proceed to the Trial of any Question or Questions of Fact without formal Pleadings; and such Question or Questions may be stated for Trial in an Issue in the Form contained in the Schedule (A.) to this Act annexed, marked No. 6, and such Issue may be entered for Trial and tried accordingly in the same Manner as any Issue joined in an ordinary Action; and the Proceeding in such Action and Issue shall be under and subject to the ordinary Control and Jurisdiction of the Court as in other Actions.

Agreement may be entered into for the Payment of Money and Costs according to the Result of the Issue. 15 & 16 Vict. c. 76. s. 43.

44. The Parties may, if they think fit, enter into an Agreement in Writing, which shall not be subject to any Stamp Duty, and which shall be embodied in the said or any subsequent Order, that upon the Finding of the Jury in the Affirmative or Negative of such Issue or Issues, a Sum of Money fixed by the Parties, or to be ascertained by the Jury upon a Question inserted in the Issue for that Purpose, shall be paid by One of such Parties to the other of them, either with or without the Costs of the Action.

45. Upon the Finding of the Jury in any such Issue, Judgment may be entered for such Sum as shall be so agreed or ascertained as aforesaid, with or without Costs, as the Case may be, and Execution may issue upon such Judgment forthwith, unless otherwise agreed, or unless the Court or a Judge shall otherwise order for the Purpose of giving either Party an Opportunity for moving to set aside the Verdict, or for a new Trial.

Judgment to be entered according to the Agreement, and Execution issued forthwith, unless stayed. 15 & 16 Vict. c. 76. s. 44.

46. The Proceedings upon such Issue may be recorded at the Instance of either Party, and the Judgment, whether actually recorded or not, shall have the same Effect as any other Judgment in a contested Action.

Proceedings upon Issue may be recorded. 15 & 16 Vict. c. 76. s. 45.

47. The Parties to any Cause may, by Consent in Writing, signed by them or their Attorneys, as the Case may be, leave the Decision of any Issue of Fact to the Court, provided that the Court or a Judge shall, in their or his Discretion, think fit to allow such new Trial; or provided the Judges of the Superior Courts of Law at Dublin shall, in pursuance of the Power herein-after given to them, make any general Rule or Order dispensing with such Allowance, either in all Cases or in any particular Class or Classes of Cases to be defined in such Rule or Order; and such Issue of Fact may thereupon be tried and determined, and Damages assessed where necessary in open Court, either in Term or Vacation by any Judge who might otherwise have presided at the Trial thereof by Jury, either with or without the Assistance of any other Judge or Judges of the same Court, or included in the same Commission at the Assizes; and the Verdict of such Judge or Judges shall be of the same Effect as the Verdict of a Jury, save that it shall not be questioned upon the ground of being against the Weight of Evidence; and the Proceedings upon and after such Trial, as to the Power of the Court or Judge, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury.

Judges may, by Consent, try Questions of Fact. 17 & 18 Vict. c. 125. s. 1.

48. The Parties may, after Writ issued, and before Judgment by Consent and Order of the Court, or a Judge, state any Question or Questions of Law in a Special Case for the Opinion of the Court, without any Pleadings.

Questions of Law may be raised after Writ issued by Consent, &c., without Pleading. 15 & 16 Vict. c. 76. s. 46.

49. The Parties may, if they think fit, enter into an Agreement in Writing, which shall not be subject to any Stamp Duty, and which shall be embodied in the said or any subsequent Order, that upon the Judgment of the Court being given in the Affirmative or Negative, of the Question or Questions of Law raised by such Special Case, a Sum of Money fixed by the Parties, or to be ascertained by

Agreement as to Payment of Money and Costs, according to Judgment upon Special Case. 15 & 16 Vict. c, 76. s. 47.

the Court, or in such Manner as the Court may direct, shall be paid by One of such Parties to the other of them, either with or without Costs of the Action; and the Judgment of the Court may be entered for such Sum as shall be so agreed or ascertained, with or without Costs, as the Case may be, and Execution may issue upon such Judgment forthwith, unless otherwise agreed, or unless stayed by Proceedings in Error.

Costs to follow the Event, unless otherwise agreed. 15 & 16 Vict. c. 76. s. 48.

50. In case no Agreement shall be entered into as to the Costs of such Action, the Costs shall follow the Event, and be recovered by the successful Party.

Pleadings in General.

And with respect to the Language and Form of Pleadings in general, be it enacted as follows:

Fictitious and needless Averments not to be made. 16 & 16 Vict. c. 76. s. 49.

51. All Statements which need not be proved, such as the Statement of Time, Quantity, Quality, and Value, where these are immaterial; the Statement of losing and finding, and Bailment in Actions for Goods or their Value; the Statement of Acts of Trespass having been committed with Force and Arms, and against the Peace of our Lady the Queen; the Statement of Promises which need not be proved, as Promises in Indebitatus Counts, and mutual Promises to perform Agreements, and all Statements of a like Kind, shall be omitted.

Judgment upon Demurrer to be given according to the very Right of the Cause. 15 & 16 Vict. c. 76. s. 50.

52. Either Party may object by Demurrer to the Pleading of the opposite Party, on the ground that such Pleading does not set forth sufficient Ground of Action, Defence, or Reply, as the Case may be; and where Issue is joined on such Demurrer, the Court shall proceed and give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without regarding any Imperfection, Omission, Defect in or Lack of Form.

Objections by way of special Demurrer. 15 & 16 Vict. c. 76. s. 51.

53. No Pleading shall be deemed insufficient for any Defect, which, prior to the Commencement of the Common Law Procedure Amendment Act (Ireland), 1853, could only be objected to by Special Demurrer.

Pleadings framed to embarrass may be struck out or amended. 15 & 16 Vict. c. 76. s. 52.

54. If any Pleading be so framed as to prejudice, embarrass, or delay the fair Trial of the Action, the opposite Party may apply to the Court or a Judge to strike out or amend such Pleading, and the Court or Judge shall make such Order respecting the same, and also respecting the Costs of the Application, as such Court or Judge shall think fit.

55. Rules to declare, or declare peremptorily, and Rules to reply, and plead subsequent Pleadings, shall not be necessary, and instead thereof a Notice shall be served requiring the opposite Party to declare, reply, rejoin, or otherwise, as the Case may be, within Four Days, otherwise Judgment; such Notice to be delivered separately or indorsed on any Pleading to which the opposite Party is required to reply, rejoin, or otherwise plead, as the Case may be.

Four Days Notice to declare, reply, or rejoin. 15 & 16 Vict. c. 76. s. 53.

56. Every Declaration and other Pleading shall be intituled of the proper Court, and of the Day of the Month and the Year when the same was pleaded, and shall bear no other Time or Date, and every Declaration and other Pleading shall also be entered on the Record made up for Trial and on the Judgment Roll under the Date of the Day of the Month and Year when the same respectively took place, and without reference to any other Time or Date, unless otherwise specially ordered by the Court or a Judge.

Pleadings to be dated and entered as of Time of Pleading, unless Order to the contrary. 15 & 16 Vict. c. 76. s. 54.

57. It shall not be necessary to make Provert of any Deed or other Document mentioned or relied on in any Pleading; and if Profert shall be made it shall not entitle the opposite Party to crave Oyer of or set out upon Oyer such Deed or other Document.

Profert and Oyer not necessary. 15 & 16 Vict. c. 76. s. 55.

58. A Party pleading in answer to any Pleading in which any Document is mentioned or referred to shall be at liberty to set out the whole or such Part thereof as may be material, and the Matter so set out shall be deemed and taken to be Part of the Pleading in which it is set out.

Document may be set forth, and be considered a Part of the Pleading in which it is set forth. 15 & 16 Vict. c. 76. s. 56.

59. In Actions of Libel and Slander the Plaintiff shall be at liberty to aver that the Words or Matter complained of were used in a defamatory Sense, specifying such defamatory Sense without any prefatory Averment to show how such Words or Matter were used in that Sense, and such Averment shall be put in Issue by the Denial of the alleged Libel or Slander; and where the Words or Matter set forth, with or without the alleged Meaning, show a Cause of Action, the Declaration shall be sufficient.

Declaration for Libel or Slander. 15 & 16 Vict. c. 76. s. 61.

60. It shall be lawful for the Plaintiff or Defendant in any Action to aver Performance of Conditions precedent generally, and the opposite Party shall not deny such Averment generally, but shall specify in his Pleading the Condition or Conditions precedent the Performance of which he intends to contest.

Performance of Conditions Precedent may be averred generally. 15 & 16 Vict. c. 76. s. 57.

The Process or Adjudication of an inferior Jurisdiction may be pleaded generally. 16 & 17 Vict. c. 113. s. 67.

61. In pleading any Process, Decree, Judgment, or Adjudication of a Court or Officer of special or inferior Jurisdiction, it shall not be necessary for the Party pleading or relying on such Process, Decree, Judgment, or Adjudication to state in his Pleading the Facts or Matters conferring Jurisdiction on such Court or Officer to entertain the Question, or issue such Process, or make such Decree, Judgment, Adjudication, but the same respectively may be stated in such Pleading to have been duly entertained or made by such Court or Officer; and if such Statement be controverted, the Party so pleading or relying on such Process, Decree, Judgment, or Adjudication shall on the Trial establish by Proof the Facts and Matters necessary to confer Jurisdiction on such Court or Officer to entertain the Question, or issue the Process, or make the Adjudication so pleaded as aforesaid.

Declaration.

And with regard to the Time and Manner of declaring, and to the Venue in Personal Actions, and to Particulars of Demand, be it enacted as follows:

Plaintiff to declare within a Year. 15 & 16 Vict. c. 76. s. 58.

62. A Plaintiff shall be deemed out of Court, unless he declare within One Year after the Writ of Summons is returnable.

Actions against Justices of the Peace, Mayors, &c. to be laid in the County in which the Cause of Action has arisen. 21 Jac. I. (Eng.) c. 12. s. 5. 42 G. III. c. 85. s. 6.

63. All Actions against Justices of the Peace for anything done by them in execution of or by reason of their Office, and all Actions of Trespass or on the Case brought against Mayors or Bailiffs of Cities or Towns Corporate, Constables, Officers of Police, and Churchwardens, for any Act done by them in Execution of or by reason of their Office, or against any Person or Persons acting in their Aid or by their Command, or against any Person holding or exercising, or being employed in any Public Employment or any Office, Station, or Capacity, either Civil or Military, either in or out of Ireland, and who, under and by virtue and in pursuance of any Act or Acts of Parliament, may have or may hereafter have by virtue of any such Employment, Office, Station, or Capacity, Power, or Authority to commit Persons to safe Custody, for any Act done by them in the Execution of or by reason of their Office, shall be laid and tried in the County where the Cause of Action is alleged to have arisen, and not in any other County; and if upon the Trial of any such Action, the Plaintiff therein shall not prove that the Fact or Cause of Action was done or arose within the County laid as Venue in the Margin of the Declaration, the Jury shall find the Defendant Not Guilty, without having regard to any Evidence given by the Plaintiff relative to the Fact or Cause in respect of which the Action shall be brought: Provided always, that when any such Action shall be brought in any of the said Superior Courts against any such Person holding or exercising any such Public Employment or Office, Station, or Capacity, as last aforesaid, for or upon any Act, Matter, or Thing, done out of the Jurisdiction of the said Courts, it shall be lawful for the Plaintiff to lay the Venue in the County or County of the City of Dublin, or in any County where the Defendant shall then reside.

64. In all local Actions the Court in which such Action shall be pending or a Judge may, on the Application of either Party, order the Issue to be tried, or Writ of Inquiry to be executed in any other County or Place than that in which the Venue is laid; and for that Purpose any such Court or Judge may order a Suggestion to be entered on the Record that the Trial may be more conveniently had or Writ of Inquiry executed in the County or Place where the same is ordered to take place; provided also, that nothing herein contained shall be deemed to affect the general Jurisdiction of the Court to order the Venue to be changed in such Actions upon other Grounds.

Court or Judge may direct such Actions to be tried elsewhere.
3 & 4 Vict. c. 105. s. 47

65. In all Actions in which the Venue is transitory, it shall be lawful for the Court or a Judge to order the Venue to be changed to any other County, in which the Trial can be more conveniently or properly had on special Grounds only, and not merely because the Cause of Action arose in any particular Place or County, and for that Purpose to direct that a Suggestion be entered upon the Record that the Trial may be more conveniently had in the County or Place where the same is ordered to take place.

Court or Judge may, in transitory Actions, order Venue to be changed.

66. Every Declaration shall commence as follows, or to the like Effect:

> [Venue.] '*A.B.* by *E.F.*, his Attorney [*or* in Person, *as the* '*Case may be*], sues *C.D.* for [*here state the Cause of* '*Action*];'

And shall conclude as follows, or to the like Effect:

> 'And the Plaintiff claims £ ,
> '[*or if the Action is brought to recover specific Goods*, the 'Plaintiff claims a Return of the said Goods or their Value, 'and £ for their Detention.']

And the Name of a County shall in all Cases be stated in the Margin of such Declaration, and shall be taken to be the Venue intended by the Plaintiff, and no Venue shall be stated in the Body of the Declaration or in any subsequent Pleading: Provided that in Cases in which local Descripition is now required, such local Description shall be given.

Forms of Commencement, &c., of Declaration.
15 & 16 Vict. c. 76. s. 59.

Several Counts on the same Cause of Action not to be allowed,

67. Several Counts on the same Cause of Action shall not be allowed, and any Count or Counts used in violation of this Provision may, on the Application of the Party objecting, within a reasonable Time, or before an Order made for Time to plead, be struck out, or amended by the Court or a Judge, on such Terms as to Costs or otherwise, as such Court or Judge may think fit: Provided always, that on an Application to the Court or a Judge to strike out any Count on the ground of such Count being in violation of this Provision, the Court or Judge may allow such Counts on the same Cause of Action as may appear to such Court or Judge to be proper for determining the real Question in controversy between the Parties on its Merits, subject to such Terms as to Costs and otherwise as the Court or Judge may think fit.

Commencement of Declaration after Plea of Nonjoinder. 15 & 16 Vict. c. 76. s. 60.

68. In all Cases in which, after a Plea in Abatement of the Nonjoinder of another Person as Defendant, the Plaintiff shall, without having proceeded to Trial on an Issue thereon, commence another Action against the Defendant or Defendants in the Action in which such Plea in Abatement shall have been pleaded, and the Person or Persons named in such Plea or Abatement as Joint Contractors, or shall amend by adding the omitted Defendant or Defendants, the Commencement of the Declaration shall be in the following Form, or to the like Effect:

> [Venue.] '*A.B.* by *E.F.*, his Attorney [*or* in his own proper 'Person, *&c.*], sues *C.D.* and *G.H.*, which said *C.D.* has 'heretofore pleaded in Abatement the Nonjoinder of the 'said *G.H.* for,' *&c.*

Further Particulars. 16 & 17 Vict. c. 113. s. 46.

69. The Court or a Judge may, in any Case, by any Order made on Motion, direct a further or more detailed Particular of the Items of Demand or Credits referred to in any Declaration, or of any Payments or Set-off referred to in any Defence, to be furnished; and in any Action for an Injury to Person or Property, the Court or a Judge may order Plans of the Place in which the Injury is alleged to have been committed, or as to which any Justification is pleaded, to be given or exchanged between the Parties; and in case any Order shall be made for any of the Purposes aforesaid the Defendant shall, unless the Court or Judge shall otherwise direct, have the same Time for pleading after Compliance with such Order as he had at the Time when Notice of such Application was given.

Pleadings.

And as to Pleas and subsequent Pleadings, be it enacted as follows:

Rules to plead and demand of Plea not necessary. 15 & 16 Vict. c. 76. s. 62.

70. No Rule to plead or Demand of Plea shall be necessary, and the Notice to plead indorsed on the Declaration or delivered separately shall be sufficient.

71. In Cases where the Defendant is within the Jurisdiction, the Time for pleading in Bar, unless extended by the Court or a Judge, shall be Eight Days; and a Notice requiring the Defendant to plead thereto in Eight Days, otherwise Judgment, may, whether the Declaration be delivered or filed, be endorsed upon the Declaration, or delivered separately.

Time for pleading, where Defendant is within Jurisdiction, to be Eight Days. 15 & 16 Vict. c. 76. s. 63.

72. Express Colour or Special Traverses shall not be necessary in any Pleading.

Express Colour or Special Traverses not necessary. 15 & 16 Vict. c. 76. ss. 64, 65.

73. In a Plea or subsequent Pleading it shall not be necessary to use any Allegation of Actionem non, or Actionem ulterius non, or to the like Effect, or any Prayer of Judgment, nor shall it be necessary in any Replication or subsequent Pleading, to use any Allegation of Precludi non, or to the like Effect, or any Prayer of Judgment.

Formal Commencement and Prayer of Judgment unnecessary. 15 & 16 Vict. c. 76. s. 66.

74. No formal Defence shall be required in a Plea, or Avowry, or Cognizance, and it shall commence as follows, or to the like Effect:

> 'The Defendant by his Attorney [*or* in Person, *or* '*as the Case may be*], say that [*here state first, Defence;*]'

and it shall not be necessary to state in a Second or other Plea, or Avowry, or Cognizance, that it is pleaded by Leave of the Court or a Judge, or according to the Form of the Statute, or to that Effect; but every such Plea, Avowry, or Cognizance shall be written in a separate Paragraph, and numbered, and shall commence as follows, or to the like Effect:

> 'And for a second [*&c.*] Plea the Defendant says, that [*here* '*state second, &c., Defence*];'

or if pleaded to Part only, then as follows, or to the like Effect:

> 'And for a second [*&c.*] Plea to [*stating to what it is pleaded*], 'the Defendant says that,' *&c.* and no formal Conclusion shall be necessary to any Plea, Avowry, Cognizance, or subsequent Pleading.

Commencement of Plea. 15 & 16 Vict. c. 76. s. 67.

75. In all Actions by and against Assignees of a Bankrupt or Insolvent, or Executors, or Administrators, or Persons authorized by Act of Parliament to sue or be sued as nominal Parties, the Character in which the Plaintiff or Defendant is stated on the Record to sue or be sued shall not in any Case be considered as in Issue, unless specially denied.

Character of Assignees of Bankrupt, &c., to be taken as admitted, if not denied.

76. In all Actions on simple Contract, except as herein-after excepted, the Plea of "Non assumpsit," or a Plea traversing the Contract or Agreement alleged in the Declaration, shall operate

Effect of Plea of Non assumpsit in Actions on simple Contract.

only as a Denial in Fact of the express Contract, Promise, or Agreement alleged, or of the Matters of Fact from which the Contract, Promise, or Agreement alleged may be implied by Law; as for instance:—

In an Action on a Warranty, such Pleas will operate as a Denial of the Fact of the Sale and Warranty having been given, but not of the Breach; and, in an Action on a Policy of Insurance, of the Subscription to the alleged Policy by the Defendant, but not of the Interest, of the Commencement of the Risk, of the Loss, or of the alleged Compliance with Warranties:

In Actions against Carriers and other Bailees for not delivering or not keeping Goods safe, or not returning them on request, and in Actions against Agents for not accounting, such Pleas will operate as a Denial of any express or implied Contract to the Effect alleged in the Declaration, but not of the Breach:

To Cause of Action to which the Plea of "Never was indebted" is applicable, as provided in Schedule (B.) to this Act annexed, and to those of a like Nature, the Plea of "Non assumpsit" shall be inadmissible, and the Plea of "Never was indebted" will operate as a Denial of those Matters of Fact from which the Liability of the Defendant arises; as for instance, in Actions for Goods bargained and sold, or sold and delivered, the Plea will operate as a Denial of the Bargain and Sale, or Sale and Delivery, in point of fact; in the like Action for Money had and received it will operate as a Denial, both of the Receipt of Money and the Existence of those Facts which make such Receipt by the Defendant a Receipt to the Use of the Plaintiff.

Pleas of Non assumpsit and Never indebted not to be allowed in Actions on Bills of Exchange and Promissory Notes.

77. In all Actions upon Bills of Exchange and Promissory Notes, the Pleas of "Non assumpit" and "Never indebted" shall be inadmissible, and every Plea in denial must traverse some Matter of Fact; as for instance, the drawing, or making, or indorsing, or accepting, or presenting, or Notice of Dishonour of the Bill or Note.

Effect of Plea of Non est factum.

78. In Actions on Specialties and Covenants, the Plea of "Non est factum" shall operate as a Denial of the Execution of the Deed in point of fact only, and all other Defences shall be specially pleaded, including Matters which make the Deed absolutely void as well as those which make it voidable.

Plea of Nil debet not to be allowed.

79. The Plea of "Nil debet" shall not be allowed in any Action.

Defence by way of Confession and Avoidance to be specially pleaded in Actions upon Contract.

80. In Actions upon Contract, all Matters in Confession and Avoidance, including not only those by way of Discharge, but those which show the Transaction to be either void or voidable in point of Law, on the ground of Fraud or otherwise, as for instance, Infancy, Coverture, Release, Payment, Performance, Illegality of Cnsideration, either by Statute or Common Law, drawing, indorsing, accepting, &c., Bills or Notes by way of Accommodation, Set-off, mutual Credit, Unseaworthiness, Misrepresentation, Concealment, Deviation, and other Defences of the like Character, shall be specially pleaded.

Payment not to be given in Evidence in Reduction of Amount without Plea.

81. Payment, whether before Action brought or when made to Court, shall not in any Case be allowed to be given in Evidence in Reduction of Damages or Debt, without being pleaded.

Effect of Plea of Non detinet.

82. In Actions for detaining Goods, the Plea of "Non detinet" shall operate as a Denial of the Detention of the Goods by the Defendant, but not of the Plaintiff's Property therein; and no other Defence than such Denial shall be admissible under that Plea.

Effect of Plea of Not Guilty in Actions of Wrong.

83. In Actions of Tort, the Plea of "Not Guilty" shall operate as a Denial only of the Breach of Duty or wrongful Act alleged to have been committed by the Defendant, and not of the Facts stated in the Inducement, and no other Defence than such Denial shall be admissible under that Plea; all other Pleas in denial shall take Issue on some particular Matter of Fact alleged in the Declaration; as for instance:

In an Action for a Nuisance to the Occupation of a House by carrying on an offensive Trade, the Plea of "Not Guilty" will operate as a Denial only that the Defendant carried on the alleged Trade in such a way as to be a Nuisance to the Occupation of the House, and will not operate as a Denial of the Plaintiff's Occupation of the House:

In an Action for obstructing a Right of Way, such Plea will operate as a Denial of the Obstruction only, and not of the Plaintiff's Right of Way:

In an Action for Slander of the Plaintiff in his Office, Profession, or Trade, the Plea of "Not Guilty" will operate in Denial of speaking the Words, of speaking them maliciously, and in the defamatory Sense imputed, and with reference to the Plaintiff's Office, Profession, or Trade, but it will not operate as a Denial of the Fact of the Plaintiff holding the Office or being of the Profession or Trade alleged:

In Actions for an Escape, it will operate as a Denial of the Neglect or Default of the Sheriff or his Officers, but not of the Debt, Judgment, or preliminary Proceedings:

In Actions against a Carrier, the Plea of "Not Guilty" will operate as a Denial of the Loss or Damage, but not of the Receipt of the Goods by the Defendant as a Carrier for Hire, or of the Purpose for which they were received.

General Issue may be pleaded in certain Actions. 21 Jac. I. (Eng.) c. 12. s. 5.

84. In all such Actions as in the Sixty-third Section mentioned, it shall be lawful for the Defendant to plead the General Issue therein, and to give any special Matter of Defence, Excuse, or Jurisdiction in Evidence under such Plea at the Trial of such Action.

In Actions of Wrong Defences in Confession and Avoidance to be specially pleaded.

85. All Matters in Confession or Avoidance shall be specially pleaded in Actions of Tort in like Manner as in Actions on Contract.

Effect of Plea of Not Guilty in Actions of Trespass.

86. In Actions for Trespass to Land, the Plea of "Not Guilty" shall operate as a Denial that the Defendant committed the Trespass alleged in the Place mentioned, but not as a Denial of the Plaintiff's Possession, or Right of Possession of that Place, which, if intended to be denied, must be traversed specially.

Effect of Plea of Not Guilty in Action for taking Goods.

87. In Actions for taking, damaging, or converting the Plaintiff's Goods, the Plea of "Not Guilty" shall operate as a Denial of the Defendant having committed the Wrong alleged, by taking, damaging, or converting the Goods mentioned, but not of the Plaintiff's Property therein.

Set-off. 16 & 17 Vict. c. 113. s. 40.

88. In any Case in which there are mutual Debts between the Plaintiff and the Defendant, or if either Party sue or be sued as Executor or Administrator where there are mutual Debts between the Testator and Intestate and either Party, whether such Debts have accrued before or after Action brought, one Debt may be set off against the other; and such Matter may be pleaded according to Circumstances, in Bar of the Action, or the further Maintenance thereof, or so much of the Debt as it covers, and the Account upon which it became due shall be alleged as in a Declaration for the same Debt.

Plea of Matter sub-

89. Any Defence arising after the Commencement of any Action, shall be pleaded according to the Fact, without any formal Commencement or Conclusion, and any Plea which does not state whether the Defence therein set up arose before or after Action, shall be deemed a Plea of Matter arising before Action.

sequent to Action.
15 & 16 Vict. c. 76. s. 68.

90. In Cases in which a Plea Puis darrein continuance was before the Commencement of the Common Law Procedure Amendment Act (Ireland), 1853, pleadable in Banc or at Nisi Prius, the same Defence may be pleaded with an Allegation that the Matter arose after the last Pleading; and such Plea may, when necessary, be pleaded at Nisi Prius, between the First of August and Twentieth of October, but no such Plea shall be allowed unless accompanied by an Affidavit that the Matter thereof arose within Eight Days next before the pleading of such Plea, or unless the Court or a Judge shall otherwise order.

Plea Puis darrein continuance, when and how to be pleaded.
15 & 16 Vict. c. 76. s. 69.

91. It shall be lawful for the Defendant in all Actions, (except Actions for Assault and Battery, false Imprisonment, Libel, Slander, malicious Arrest or Prosecution, Criminal Conversation, or debauching of the Plaintiff's Daughter or Servant,) and by Leave of the Court or a Judge, and upon such Terms as they or he may think fit, for the Defendant in such excepted Actions, or for One or more of several Defendants in any Action, to pay into Court a Sum of Money by way of Compensation or Amends: Provided that nothing herein contained shall be taken to affect the Provisions of a certain Act of Parliament passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled "An Act to amend the Law respecting defamatory Works "and Libel," or of a certain other Act of Parliament passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled "An Act to "consolidate and amend the Laws relating to Bribery, treating, and "undue Influence, at the Elections of Members of Parliament."

Payment into Court.
15 & 16 Vict. c. 76. s. 70.

92. In any Action brought upon a Bond which has a Condition or Defeazance to make void the same upon Payment of a lesser Sum at a Day or Place certain, with a Penalty, and in any Action for detaining the Goods of the Plaintiff, it shall be lawful for the Defendant, by Leave of the Court or a Judge, and upon such Terms as they or he shall think fit, to pay into Court a Sum of Money to answer the Claim of the Plaintiff in respect of such Bond in the former Case, and in the latter Case to the Value of the Goods alleged to be detained.

Payment into Court in Action on Money, Bonds, and for Detainer.
23 & 24 Vict. c. 126. s. 25.

Payment into Court how pleaded. 15 & 16 Vict. c. 76. s. 71.

93. When Money is paid into Court, such Payment shall be pleaded in all Cases, as near as may be, in the following Form, mutatis mutandis:

'The Defendant by his Attorney [*or* in Person, '&c.] [*if pleaded to Part, say,* as to £ Parcel 'of the Money claimed], brings into Court the Sum of '£ and says that the said Sum is enough to 'satisfy the Claim of the Plaintiff in respect of the Matter 'herein pleaded to.'

Payment of Money into Court. 16 & 17 Vict. c. 113. ss. 75, 76.

94. No Order of the Court or a Judge to pay Money into Court shall be necessary, except in the Cases herein-before specially provided; but such Payment shall be made by lodging the Money in the Bank of Ireland on behalf of the Defendant, who shall make such Lodgment, with the Privity of the Master of the Court, and to the Credit of the Cause; and such Master, on the Certificate of such Lodgment being delivered to him, shall give a Receipt for the Amount in the Margin of the Plea; and the Master shall, on Demand by the Plaintiff, draw upon the Bank of Ireland, in favour of the Plaintiff or his Attorney, upon a written Authority from the Plaintiff for the Sum so lodged by the Defendant.

Proceeding by Plaintiff after Payment into Court. 15 & 16 Vict. c. 76. s. 73.

95. The Plaintiff, after the Delivery of a Plea of Payment of Money into Court, shall be at liberty to reply to the same by accepting the Sum so paid into Court in full Satisfaction and Discharge of the Cause of Action in respect of which it has been paid in; and he shall be at liberty in that Case to tax his Costs of Suit, and in case of Nonpayment thereof within Forty-eight Hours, to sign Judgment for his Costs of Suit so taxed, or the Plaintiff may reply that the Sum paid into Court is not enough to satisfy the Claim of the Plaintiff in respect of the Matter to which the Plea is pleaded; and in the event of an Issue thereon being found for the Defendant, the Defendant shall be entitled to Judgment and his Costs of Suit.

Pleas to Actions partaking both of Breach of Contract and Wrong. 15 & 16 Vict. c. 76. s. 74.

96. Whereas certain Causes of Action may be considered to partake of the Character both of Breaches of Contract and of Wrongs, and Doubts may arise as to the Form of Pleas in such Actions, and it is expedient to preclude such Doubts: Any Plea, which shall be good in Substance, shall not be objectionable on the Ground of its treating the Declaration either as framed for a Breach of Contract or for a Wrong.

Payment, Set off, and other Pleadings

97. Pleas of Payment and Set-off, and all other Pleadings capable of being construed distributively, shall be taken distributively, and if Issue is taken thereon, and so much thereof as shall be sufficient Answer to Part of the Causes of Action proved shall be found true by the Jury, a Verdict shall pass for the Defendant in respect of so much of the Causes of Action as shall be answered, and for the Plaintiff in respect of so much of the Causes of Action as shall not be so answered.

which can be construed distributively shall be so construed. 15 & 16 Vict. c. 76. s. 75.

98. A Defendant may either traverse generally such of the Facts contained in the Declaration as might have been denied by One Plea, or may select and traverse separately any material Allegation in the Declaration, although it might have been included in a General Traverse.

Traverse of the Declaration. 15 & 16 Vict. c. 76. s. 76.

99. A Plaintiff shall be at liberty to traverse the whole of any Plea or subsequent Pleading of the Defendant by a general Denial, or, admitting some Part or Parts thereof, to deny all the rest, or to deny any One or more Allegations.

Traverse of Plea or subsequent Pleading of Defendant. 15 & 16 Vict. c. 76 s. 77.

100. A Defendant shall be at liberty in like Manner to deny the whole or Part of a Replication or subsequent Pleading of the Plaintiff.

Traverse of Replication or subsequent Pleading of the Plaintiff. 15 & 16 Vict. c. 76. s. 78.

101. It shall be lawful for the Defendant in any Personal Action, and for the Plaintiff in any Action of Replevin, in any of the Superior Courts, in which, if Judgment were obtained, he would be entitled to Relief against such Judgment on equitable Grounds, to plead the Facts which entitle him to such Relief by way of Defence, and the said Courts are hereby empowered to receive such Defence by way of Plea; provided that such Plea shall begin with the Words "For Defence on equitable Grounds," or Words to the like Effect.

Equitable Defence may be pleaded. 17 & 18 Vict. c. 125. s. 83.

102. Any such Matter which, if it arose before or during the Time for pleading, would be an Answer to the Action by way of Plea, may, if it arise after the Lapse of the Period during which it could be pleaded, be set up by way of Auditâ querelâ.

Equitable Defence after Judgment. 17 & 18 Vict. c. 125. s. 84.

103. The Plaintiff may reply, in answer to any Plea of the Defendant, Facts which avoid such Plea upon equitable Grounds; provided that such Replication shall begin with the Words, "For Replication on equitable Grounds," or Words to the like Effect.

Equitable Replication. 17 & 18 Vict. c. 125. s. 85.

104. Provided always, that in case it shall appear to the Court, or any Judge thereof, that any such equitable Plea or equitable Replication cannot be dealt with by a Court of Law so as to do Justice between the Parties, it shall be lawful for such Court or

Court or Judge may strike out equitable Plea or Replication.

17 & 18 Vict. c. 125. s. 86.

Judge to order the same to be struck out on such Terms as to Costs and otherwise as to such Court or Judge may seem reasonable.

Actions on lost Instruments. 17 & 18 Vict. c. 125. s. 87.

105. In case of any Action founded on a Bill of Exchange or other negotiable Instrument, it shall be lawful for the Court or a Judge to order that the Loss of such Instrument shall not be set up; provided an Indemnity is given to the Satisfaction of the Court, Judge, or Master against the Claims of any other Person upon such negotiable Instrument.

Joinder of Issue. 15 & 16 Vict. c. 76. s. 79.

106. Either Party may plead, in answer to the Plea or subsequent Pleading of his Adversary, that he joins Issue thereon, which Joinder of Issue may be as follows, or to the like Effect:

'The Plaintiff joins Issue upon the Defendant's First [*&c., specifying what or what Part*] Plea:'

'The Defendant joins Issue upon the Plaintiff's Replication to the First [*&c., specifying what*] Plea:'

And such Form of Joinder of Issue shall be deemed to be a Denial of the Substance of the Plea or other subsequent Pleading, and an Issue thereon; and in all Cases where the Plaintiff's Pleading is in denial of the Pleading of the Defendant, or some Part of it, the Plaintiff may add a Joinder of Issue for the Defendant.

As to pleading and demurring together. 15 & 16 Vict. c. 76. s. 80.

107. Either Party may, by Leave of the Court or a Judge, plead and demur to the same Pleading at the same Time, upon an Affidavit by such Party or his Attorney, if required by the Court or Judge, to the Effect that he is advised and believes that he has just Ground to traverse the several Matters proposed to be traversed by him, and that the several Matters sought to be pleaded as aforesaid by way of Confession and Avoidance are respectively true in Substance and in Fact, and that he is further advised and believes that the Objections raised by such Demurrer are good and valid Objections in Law, and it shall be in the Discretion of the Court or a Judge to direct which Issue shall be first disposed of.

Several Matters may be pleaded at any Stage of the Pleadings. 15 & 16 Vict. c. 76. s. 81.

108. The Plaintiff in any Action may, by Leave of the Court or a Judge, plead in answer to the Plea or the subsequent Pleading of the Defendant as many several Matters as he shall think necessary to sustain his Action; and the Defendant in any Action may, by Leave of the Court or a Judge, plead in answer to the Declaration or other subsequent Pleading of the Plaintiff, as many several Matters as he shall think necessary for his Defence, upon an Affidavit of the Party making such Application, or his Attorney, if required by the Court or Judge, to the Effect that he is advised and believes that he has just Ground to traverse the several Matters proposed to be traversed by him, and that the several Matters sought to be pleaded as aforesaid by way of Confession and Avoidance are respectively true in Substance and in Fact: Provided that the Costs of any Issue either in Fact or Law shall follow the Finding or Judgment upon such Issue, and be adjudged to the successful Party, whatever may be the Result of the other Issue or Issues.

109. All Objections to the pleading of several Pleas, Replications, or subsequent Pleadings, or several Avowries or Cognizances, on the Ground that they are founded on the same Ground of Answer or Defence, shall be heard upon the Application to plead several Matters.

Objections to Pleadings to be heard on Application to plead several Matters.
15 & 16 Vict. c. 76. s. 83.

110. The following Pleas or any Two or more of them may be pleaded together as of course, without Leave of the Court or a Judge; that is to say, a Plea denying any Contract or Debt alleged in the Declaration; a Plea of Tender as to Part; a Plea of the Statute of Limitations, Set-off, Bankruptcy of the Defendant, Discharge under an Insolvent Act, Plene administravit, Plene administravit præter, Infancy, Coverture, Payment, Accord and Satisfaction, Release, Not Guily, a Denial that the Property, an Injury to which is complained of, is the Plaintiff's, Leave and Licence, Son assault demesne, and any other Pleas which the Judges of the said Superior Courts, or any Seven or more of them, of whom the Chief Judges of the said Courts shall be Three, shall by any Rule or Order to be from Time to Time by them made in Term or Vacation order or direct.

Certain Pleas may be pleaded together without Leave.
15 & 16 Vict. c. 76. s. 84.

111. Except in the Cases herein specifically provided for, if either Party plead several Pleas, Replications, Avowries, Cognizances, or other Pleadings without Leave of the Court or a Judge, the opposite Party shall be at liberty to sign Judgment: Provided that such Judgment may be set aside by the Court or a Judge upon an Affidavit of Merits, and such Terms as to Costs and otherwise as they or he may think fit.

For pleading several Matters without Leave, Judgment may be signed.
15 & 16 Vict. c. 76. s. 85.

112. One new Assignment only shall be pleaded to any Number of Pleas to the same Cause of Action; and such new Assignment shall be consistent with and confined by the Particulars delivered in the Action, if any, and shall state that the Plaintiff proceeds for the Causes of Action different from all those which the Pleas profess to justify, or for an Excess over and above what all the Defences set up in such Pleas justify, or both.

One new Assignment only allowed in respect of the same Cause of Action.
15 & 16 Vict. c. 76., s. 87.

Pleas not to be repeated. 15 & 16 Vict. c. 76., s. 88.

113. No Plea which has already been pleaded to the Declaration shall be pleaded to such new Assignment, except a Plea in denial, unless by Leave of the Court or a Judge, and such Leave shall only be granted upon satisfactory Proof that the Repetition of such Plea is essential to a Trial on the Merits.

Form of Demurrer and Joinder in Demurrer. 15 & 16 Vict. c. 76., s. 89.

114. The Form of a Demurrer shall be as follows, or to the like Effect:

'The Defendant, by his Attorney [*or* in Person, *&c.*, *or* Plain-'tiff] says that the Declaration [*or* Plea, *&c.*] is bad in 'Substance:'

And in the Margin thereof some substantial Matter of Law intended to be argued shall be stated; and if any Demurrer shall be delivered without such Statement or with a frivolous Statement it may be set aside by the Court or Judge, and Leave may be given to sign Judgment as for want of a Plea; and the Form of a Joinder in Demurrer shall be as follows, or to the like Effect:

'The Plaintiff [*or* Defendant] says that the Declaration [*or* Plea, '*&c.*] is good in Substance.'

Time for pleading after Amendment. 15 & 16 Vict. c. 76., s. 90.

115. Where an Amendment of any Pleading is allowed no new Notice to plead thereto shall be necessary, but the opposite Party shall be bound to plead to the amended Pleading within the Time specified in the original Notice to plead, or within Two Days after Amendment, whichever shall last expire, unless otherwise ordered by the Court or Judge; and in case the amended Pleading has been pleaded to before Amendment and is not pleaded to de novo within Two Days after Amendment, or within such other Time as the Court or a Judge shall allow, the Pleadings originally pleaded thereto shall stand and be considered as pleaded in answer to such amended Pleading.

Pleadings subsequent to the Declaration not to be filed.

116. No Demurrer, nor any Pleading subsequent to the Declaration, shall in any Case, except by special Order of the Court, be filed with any Officer of the Court, but the same shall, until otherwise provided by General Orders, be delivered between the Parties.

Examples of Pleading.

And whereas it is desirable that Examples should be given of the Statements of Causes of Action and of Forms of Pleading, be it enacted as follows:

Forms in Schedule may be adopted. 15 & 16 Vict. c. 76., s. 91.

117. The Forms contained in the Schedule (B.) to this Act annexed shall be sufficient, and those and the like Forms may be used, with such Modifications as may be necessary to meet the Facts of the Case, but nothing herein contained shall render it erroneous or irregular to depart from the Letter of such Forms so long as the Substance is expressed without Prolixity.

Judgment by Default, and ascertaining Amount to be recovered.

And with respect to Judgment by Default and the Mode of ascertaining the Amount to be recovered thereupon, be it enacted as follows:

Rule to compute unnecessary. 15 & 16 Vict. c. 76., ss. 92, 93.

118. No Rule to compute shall be necessary or used, but in Actions where the Plaintiff seeks to recover a Debt or liquidated Demand in Money, Judgment by Default shall be final.

Inquiry of Damages may be directed to take place before the Master. 16 & 17 Vict. c. 113., s. 98.

119. In Actions in which it shall appear to the Court or a Judge that the Amount of Damages sought to be recovered by the Plaintiff is substantially a Matter of Calculation, it shall not be necessary to issue a Writ of Inquiry, but the Court or a Judge may direct that the Amount for which Final Judgment is to be signed shall be ascertained by One of the Masters of the said Court, and the Attendance of Witnesses and the Production of Documents before such Master may be compelled by Subpœna, in the same Manner as before a Jury upon a Writ of Inquiry; and it shall be lawful for such Master to adjourn the Inquiry from Time to Time as Occasion may require: Provided always, that in case the said Master shall upon any such Reference think it proper to hear any Fact controverted on the Reference tried by a Jury, in such Case the said Master may sign a Requisition to that Effect intituled in the Cause, and direct the same to be delivered to the Sheriff of the County of the City of Dublin Two Days before the Time when such Jury shall be required, and the Jurors shall be summoned and taken from the List of Persons liable to serve as Jurors in the County of the City of Dublin; and the Sheriff shall cause so many of the said Jurors as in his Opinion he shall deem sufficient to be summoned, and such Persons shall attend, and either Party shall be entitled to his lawful Challenge against all or any of the said Jurors; and a Jury of Twelve shall be returned to try such Fact or Facts as shall seem doubtful to such Master, who shall proceed to make his Report on the Verdict of such Jury as he shall think fit; and such Jury shall be sworn and paid as a Common Jury at Nisi Prius; and the Master shall indorse upon the Rule or Order for referring the Amount of Damages to him, the Amount found by him, and shall deliver the Rule or Order with such Indorsement, to the Plaintiff; and such and the like Proceedings may thereupon be had as to Taxation of Costs, signing Judgment, and otherwise, as upon the Finding of a Jury upon a Writ of Inquiry.

Ordinary Writ of Inquiry in other Cases.

120. In default of such Plea or Demurrer, and in case of Judgment for the Plaintiff on Demurrer, when the Plaintiff's Demand is not

16 & 17 Vict. c. 76., s. 100.

not for a Debt or liquidated Sum in Money, and where the Amount of Damages sought to be recovered cannot be calculated as aforesaid, it shall be lawful for the Plaintiff to issue a Writ of Inquiry to the Sheriff of the proper County, or other Person thereunto lawfully authorized, and such Inquiry shall be holden at the chief Town in the County, or such other Place as shall be agreed on between the Sheriff and the Party delivering the Writ to him, who shall have Ten Days Notice in Writing of the Time and Place of holding such Inquiry; and Notice of the holding of such Inquiry shall also be given by the Plaintiff to the Defendant, or, if Judgment be given on Demurrer, to his Attorney, Ten Days before the holding of the the same; and the said Writ of Inquiry may be made returnable and be returned on any Day certain in Term or in Vacation to be named in such Writ, and upon the Return thereof, and without any Rule for Judgment thereon, the Costs may be taxed and Judgment signed and Execution issued forthwith, unless the Sheriff or other Officer before whom such Writ shall be executed, shall certify under his Hand upon such Writ, that Judgment ought not to be signed until the Defendant or Plaintiff shall have had an Opportunity to apply to the Court or a Judge to set aside the Execution of such Writ of Inquiry, or unless One of the Judges of the said Superior Courts of Law shall think fit to order the Judgment to be stayed until a Day to be named in such Order: Provided, that where a Writ of Inquiry shall have been executed before a Judge the Proceedings from the Finding to issuing Execution shall be the same as in the Case of ordinary Trials at Nisi Prius.

Inquiries may be directed to take place before Master of the Court. 16 & 17 Vict. c. 113. s. 101. 19 & 20 Vict. c. 113. s. 99.

121. It shall be lawful for the Court or a Judge, instead of a Writ of Inquiry to the Sheriff to ascertain the Amount of Damages, to direct that the Amount for which Final Judgment shall be marked shall be ascertained by the Master of the Court, and thereupon such Damages shall be ascertained by the Master in like Manner as such Damages are ascertained under a Writ of Inquiry by the Sheriff; and for such Purpose it shall be the Duty of the Sheriff of the County of the City of Dublin to summon Jurors to attend before the said Masters, who shall have the like Jurisdiction and Authority as have been heretofore exercised by Sheriffs in holding such Inquiries: Provided always, that whenever there is any such Trial by Jury, Twelve Jurymen shall be impannelled and sworn to give their Verdict according to the Evidence, and the Verdict of the said Jurymen shall, if unanimous, be sufficient; and it shall be lawful for the Master to adjourn such Inquiry from Time to Time as Occasion may require; and the Master shall indorse on the Rule or Order of Reference the Finding of the said Jury, and shall deliver the same to the Plaintiff, and such and the like Proceedings may thereupon be had as to Taxation of Costs, signing Judgment, and otherwise, as upon a Finding of a Jury upon a Writ of Inquiry to the Sheriff: Provided always, that in all Cases of Writs of Inquiry it shall be lawful for the Court or a Judge to order that they shall be executed before a Judge sitting at Nisi Prius for the Trial of Causes, either in the consolidated Nisi Prius Court, or at the After Sittings or Assizes, as such Court or Judge shall in their or his Discretion direct, and for that Purpose to enter a Suggestion upon the Record whenever the Trial is ordered to take place in a County other than that in which the Venue is laid.

Inquiries may be directed to take place before a Judge.

And with reference to Discovery, be it enacted as follows:

Discovery.

122. Upon Motions founded upon Affidavits it shall be lawful for either Party, with Leave of the Court or a Judge, to make Affidavits in answer to the Affidavits of the opposite Party, upon any new Matter arising out of such Affidavits, subject to all such General Orders as shall hereafter be made respecting such Affidavits.

Affidavits on new Matter.
17 & 11 Vict. c. 125. s. 45.

123. Upon the Hearing of any Motion it shall be lawful for the Court or Judge, at their or his Discretion, and upon such Terms as they or he shall think reasonable, from Time to Time to order such Documents as they or he may think fit to be produced, and such Witnesses as they or he may think necessary to appear, and be examined vivâ voce, either before such Court or Judge, or before the Master, and upon hearing such Evidence, or reading the Report of such Master, to make such Rule or Order as may be just.

Power to Court or Judge to direct oral Examination of Witnesses.
17 & 18 Vict. c. 125. s. 46.

124. The Court or Judge may, by such Rule or Order or any subsequent Rule or Order, command the Attendance of the Witnesses named therein, for Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Rule or Order; and such Rule or Order shall be proceeded upon in the same Manner, and shall have the same Force and Effect, as a Rule of the Court under an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and five, intituled "An Act for abolishing Arrest on Mesne Process in Civil Actions "except in certain Cases, for extending the Remedies of Creditors "against the Property of Debtors, and for the further Amendment "of the Law, and the better Advancement of Justice in Ireland;" and it shall be lawful for the Court, or Judge, or Master, to adjourn the Examination from Time to Time as Occasion may require; and the Proceedings upon such Examination shall be conducted, and the Depositions taken down, as nearly as may be, in the Mode now

Proceedings before and upon such Examination.
17 & 18 Vict. c. 125. s. 47.

3 & 4 Vict. c. 105.

in use with respect to the vivâ voce Examination of Witnesses under the last-mentioned Act.

Examination of Person who refuses to make an Affidavit. 17 & 18 Vict. c. 125. s. 48.

125. Any Party to any Civil Action or other Civil Proceeding in any of the Superior Courts, requiring the Affidavit of a Person who refuses to make an Affidavit, may apply for an Order requiring such Person to appear and be examined upon Oath before a Judge or Master, to whom it may be most convenient to refer such Examination, as to the Matters concerning which he has refused to make an Affidavit; and the Court or a Judge may, if they or he think fit, make such Order for the Attendance of such Person before the Person therein appointed to take such Examination, for the Purpose of being examined as aforesaid, and for the Production of any Writings or Documents to be mentioned in such Order, and may therein impose such Terms as to such Examination, and the Costs of the Application and Proceedings thereon, as they or he shall think just.

Proceedings upon Order for Examination. 17 & 18 Vict. c. 125. s. 49.

126. Such Order shall be proceeded upon in like Manner as an Order made under the herein-before mentioned Act, passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, and the Examination thereon shall be conducted, and the Depositions taken down and returned, as nearly as may be, in the Mode now used on vivâ voce Examinations under the said Act of Parliament.

Discovery of Documents. 17 & 18 Vict. c. 125. s. 50.

127. Upon the Application of either Party to any Cause or other Civil Proceeding in any of the Superior Courts, upon an Affidavit by such Party of his Belief that any Document, to the Production of which he is entitled for the Purpose of Discovery or otherwise, is in the Possession or Power of the opposite Party, it shall be lawful for the Court or Judge to order that the Party against whom such Application is made, or if such Party is a Body Corporate that some Officer to be named of such Body Corporate, shall answer on Affidavit, stating what Documents he or they has or have in his or their Possession or Power relating to the Matters in dispute, or what he knows as to the Custody they or any of them are in, and whether he or they objects or object (and if so, on what Grounds) to the Production of such as are in his or their Possession or Power; and upon such Affidavit being made the Court or Judge may make such further Order thereon as shall be just.

Power to deliver written

128. In all Causes in any of the Superior Courts, by Order of the Court or a Judge, the Plaintiff may, with the Declaration, and the Defendant may, with the Plea, or either of them by Leave of the Court or a Judge, may, at any other Time, deliver to the opposite Party or his Attorney (provided such Party, if not a Body Corporate, would be liable to be called and examined as a Witness upon such Matter,) Interrogatories in Writing upon any Matter as to which Discovery may be sought, and require such Party, or in the Case of a Body Corporate any of the Officers of such Body Corporate, within Ten Days to answer the Questions in Writing by Affidavit, to be sworn and filed in the ordinary Way; and any Party or Officer omitting, without just Cause, sufficiently to answer all Questions as to which a Discovery may be sought within the above Time, or such extended Time as the Court or a Judge shall allow, shall be deemed to have committed a Contempt of the Court, and shall be liable to be proceeded against accordingly.

Interrogatories to opposite Party.
17 & 18 Vict. c. 125. s. 51.

129. The Application for such Order shall be made upon an Affidavit of the Party proposing to interrogate, and his Attorney or Agent, or, in the Case of a Body Corporate, of their Attorney or Agent, stating that the Deponents or Deponent believe or believes that the Party proposing to interrogate, whether Plaintiff or Defendant, will derive material Benefit in the Cause from the Discovery which he seeks, that there is a good Cause of Action or Defence upon the Merits, and, if the Application be made on the Part of the Defendant, that the Discovery is not sought for the Purpose of Delay: Provided, that where it shall happen, from unavoidable Circumstances, that the Plaintiff or Defendant cannot join in such Affidavit, the Court or Judge may, if they or he think fit, upon Affidavit of such Circumstances by which the Party is prevented from so joining therein, allow and order that the Interrogatories may be delivered without such Affidavit.

Affidavits by Party proposing to interrogate, and his Attorney.
17 & 18 Vict. c. 125. s. 52.

130. In case of Omission, without just Cause, to answer sufficiently such written Interrogatories, it shall be lawful for the Court or a Judge, at their or his Discretion, to direct an oral Examination of the interrogated Party, as to such Points as they or he may direct, before a Judge or Master; and the Court or Judge may, by such Rule or Order, or any subsequent Rule or Order, command the Attendance of such Party or Parties before the Person appointed to take such Examination, for the Purpose of being orally examined as aforesaid, or the Production of any Writings or other Documents to be mentioned in such Rule or Order, and may impose therein such Terms as to such Examination, and the Costs of the Application, and of the Proceedings thereon, and otherwise, as to such Court or Judge shall seem just.

Oral Examination of Parties, when to be allowed.
17 & 18 Vict. c. 125. s. 53.

Proceedings upon such Rule or Order. 17 & 18 Vict. c. 125. s. 54.

131. Such Rule or Order shall have the same Force and Effect and may be proceeded upon in like Manner, as an Order made under the said herein-before mentioned Act, passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty.

Depositions upon such Examinations to be returned to Master's Office. 17 & 18 Vict. c. 125. s. 55.

3 & 4 Vict. 105.

132. Whenever by virtue of this Act an Examination of any Witness or Witnesses has been taken before a Judge of One of the said Superior Courts, or before a Master, the Depositions shall be returned to and kept in the Master's Office of the Court in which the Proceedings are pending; and Office Copies of such Depositions may be given out, and the Depositions may be otherwise used in the same Manner as in the Case of Depositions taken under the herein-before mentioned Act, passed in the Third and Fourth Years of the Reign of Her present Majesty.

Examiner may make Report to the Court. 17 & 18 Vict. c. 125. s. 56.

133. It shall be lawful for every Judge or Master named in any such Rule or Order as aforesaid for taking Examinations under this Act, and he is hereby required to make, if need be, a special Report to the Court in which such Proceedings are pending, touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings and make such Order and Orders upon such Report as Justice may require and as may be instituted and made in any Case of Contempt of the Court.

Costs of Rule and Examination to be in the Discretion of the Court 17 & 18 Vict. c. 125. s. 57.

134. The Costs of every Application for any Rule or Order to be made for the Examination of Witnesses by virtue of this Act and of the Rule or Order and Proceedings thereon, shall be in the Discretion of the Court or Judge by whom such Rule or Order is made.

Mandamus and Injunction.

And with respect to Mandamus and Injunction, be it enacted as follows:

Action for Mandamus to enforce the Performance of Duties. 17 & 18 Vict. c. 125, s. 68.

135. The Plaintiff in any Action in any of the Superior Courts, except Replevin and Ejectment, may indorse upon the Writ and Copy to be served, a Notice that the Plaintiff intends to claim a Writ of Mandamus; and the Plaintiff may thereupon claim in the Declaration, either together with any other Demand which may now be enforced in such Action or separately, a Writ of Mandamus commanding the Defendant to fulfil any Duty in the Fulfilment of which the Plaintiff is personally interested.

Declaration in Action for Mandamus.

136. The Declaration in such Action shall set forth sufficient Grounds upon which such Claim is founded, and shall set forth that the Plaintiff is personally interested therein, and that he sustains or may sustain Damage by the Nonperformance of such Duty, and that Performance thereof has been demanded by him and refused or neglected.

17 & 18 Vict. c. 125, s. 69.

137. The Pleadings and other Proceedings in any Action in which a Writ of Mandamus is claimed shall be the same in all respects, as nearly as may be, and Costs shall be recoverable by either Party as in an ordinary Action for the Recovery of Damages.

Proceedings upon Claim for Mandamus. 17 & 18 Vict. c. 125, s. 70.

138. In case Judgment shall be given to the Plaintiff that a Mandamus do issue, it shall be lawful for the Court in which such Judgment is given, if it shall think fit, besides issuing Execution in the ordinary Way for the Costs and Damages, also to issue a peremptory Writ of Mandamus to the Defendant, commanding him forthwith to perform the Duty to be enforced.

Judgment and Execution. 17 & 18 Vict. c. 125, s. 71.

139. The Writ need not recite the Declaration or other Proceedings, or the Matter therein stated, but shall simply command the Performance of the Duty, and in other respects shall be in the Form of an ordinary Writ of Execution, except that it shall be directed to the Party and not to the Sheriff, and may be issued in Term or Vacation, and returnable forthwith; and no Return thereto, except that of Compliance, shall be allowed, but Time to return it may, upon sufficient Grounds, be allowed by the Court or a Judge, either with or without Terms.

Form of peremptory Writ. 17 & 18 Vict. c. 125, s. 72.

140. The Writ of Mandamus so issued as aforesaid shall have the same Force and Effect as a peremptory Writ of Mandamus issued out of the Court of Queen's Bench, and in case of Disobedience may be enforced by Attachment.

Effect of Writ of Mandamus, and Proceedings to enforce it. 17 & 18 Vict. c. 125. s. 73.

141. The Court may, upon Application by the Plaintiff, besides or instead of proceeding against the disobedient Party by Attachment, direct that the Act required to be done may be done by the Plaintiff, or some other Person appointed by the Court, at the Expense of the Defendant; and upon the Act being done, the Amount of such Expense may be ascertained by the Court, either by Writ of Inquiry or Reference to a Master, as the Court or a Judge may order; and the Court may order Payment of the Amount of such Expenses and Costs, and enforce Payment thereof by Execution.

The Court may order the Act to be done at the Expense of the Defendant. 17 & 18 Vict. c. 125, s. 74.

142. Nothing herein contained shall take away the Jurisdiction of the Court of Queen's Bench to grant Writs of Mandamus; nor shall

Prerogative Writ of Mandamus preserved.

17 & 18 Vict. c. 125, s. 75.

shall any Writ of Mandamus issued out of that Court be invalid by reason of the Right of the Prosecutor to proceed by Action for Mandamus under this Act.

Proceedings for Prerogative Writ of Mandamus. 17 & 18 Vict. c. 125, s. 76.

143. Upon Application by Motion for any Writ of Mandamus in the Court of Queen's Bench, the Rule may in all Cases be absolute in the first instance, if the Court shall think fit; and the Writ may bear Teste on the Day of its issuing, and may be made returnable forthwith, whether in Term or in Vacation, but Time may be allowed to return it, by the Court or a Judge, either with or without Terms.

Proceedings on Prerogative Writ of Mandamus. 17 & 18 Vict. c. 125, s. 77.

144. The Provisions of this Act, so far as they are applicable, shall apply to the Pleadings and Proceedings upon a Prerogative Writ of Mandanus issued by the Court of Queen's Bench.

Specific Delivery of Chattels. 17 & 18 Vict. c. 125, s. 78.

145. The Court or a Judge shall have Power, if they or he think fit so to do, upon the Application of the Plaintiff in any Action for the Detention of any Chattel, to order that Execution shall issue for the Return of the Chattel detained, without giving the Defendant the Option of retaining such Chattel upon paying the Value assessed, and that if the said Chattel cannot be found, and unless the Court or a Judge should otherwise order, the Sheriff shall distrain the Defendant by all his Lands and Chattels in the said Sheriff's Bailiwick, till the Defendant render such Chattel, or, at the Option of the Plaintiff, that he cause to be made of the Defendant's Goods the assessed Value of such Chattel; provided that the Plaintiff shall, either by the same or a separate Writ of Execution, be entitled to have made of the Defendant's Goods, the Damages, Costs, and Interest in such Action.

Claim of Writ of Injunction. 17 & 18 Vict. c. 125, s. 79.

146. In all Cases of Breach of Contract or other Injury, where the Party injured is entitled to maintain and has brought an Action, he may in like Case and Manner as herein-before provided, with respect to Mandamus, claim a Writ of Injunction against the Repetition or Continuance of such Breach of Contract, or other Injury, or the Committal of any Breach of Contract or Injury of a like Kind, arising out of the same Contract or relating to the same Property or Right; and he may also in the same Action include a Claim for Damages or other Redress.

Form of Writ of Summons and Indorsement thereon. 17 & 18 Vict c. 125, s. 80.

147. The Writ of Summons in such Action shall be in the same Form as the Writ of Summons in any Personal Action, but on every such Writ and Copy thereof there shall be indorsed a Notice that in default of Appearance, the Plaintiff may, besides proceeding to

Judgment and Execution for Damages and Costs, apply for and obtain a Writ of Injunction.

Form of Proceedings and of Judgment. 17 & 18 Vict. c. 125, s. 81.

148. The Proceedings in such Action shall be the same, as nearly as may be, and subject to the like Control, as the Proceedings in an Action to obtain a Mandamus under the Provisions herein-before contained; and in such Action Judgment may be given that the Writ of Injunction do or do not issue, as Justice may require; and in case of Disobedience, such Writ of Injunction may be enforced by Attachment by the Court, or by a Judge.

Writ of Injunction may be applied for at any Stage of the Cause. 17 & 18 Vict. c. 125, s. 82.

149. It shall be lawful for the Plaintiff at any Time after the Commencement of the Action, and whether before or after Judgment, to apply ex parte to the Court or a Judge for a Writ of Injunction to restrain the Defendant in such Action from the Repetition or Continuance of the wrongful Act or Breach of Contract complained of, or the Committal of any Breach of Contract or Injury of a like Kind, arising out of the same Contract, or relating to the same Property or Right; and such Writ may be granted or denied by the Court or Judge upon such Terms as to the Duration of the Writ, keeping an Account, giving Security, or otherwise, as to such Court or Judge shall seem reasonable and just; and in case of Disobedience such Writ may be enforced by Attachment by the Court, or by a Judge: Provided always, that any Order for a Writ of Injunction made by a Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by the Court, on Application made thereto, by any Party dissatisfied with such Order.

Costs of Writs of Mandamus and Injunction may be included in Writs. 23 & 24 Vict. c. 126, s. 32.

150. In all Cases in which a Writ of Mandamus or of Injunction is issued under the Provisions of this Act, such Writ shall, unless otherwise ordered by the Court or a Judge, in addition to the Matter directed to be inserted therein, command the Defendant to pay to the Plaintiff the Costs of preparing, issuing, and serving such Writ; and Payment of such Costs may be enforced in the same Manner as Costs payable under a Rule of Court are now by Law enforceable.

Notice of Trial, Inquiry, and Countermand.

And with respect to Notice of Trial and Inquiry, and Countermand, be it enacted as follows:

Time for Notice of Trial and Inquiry. 15 & 16 Vict. c. 76, s. 97.

151. Ten Days Notice of Trial or Inquiry shall be given, and shall be sufficient in all Cases, whether at Bar or Nisi Prius, in Town or Country, unless otherwise ordered by the Court or a Judge.

Notice of Countermand.

152. A Countermand of Notice of Trial shall be given Four Days before the Time mentioned in the Notice of Trial, unless

15 & 16 Vict. c. 76, s. 98.

short Notice of Trial has been given, and then Two Days before the Time mentioned in the Notice of Trial, unless otherwise ordered by the Court or Judge or by Consent.

Costs of the Day.
15 & 16 Vict. c. 76, s. 99.

153. A Rule for Costs of the Day for not proceeding to Trial pursuant to Notice or not countermanding in sufficient Time, may be drawn up on Affidavit without Motion.

Proceeding where Plaintiff neglects to bring on the Cause to be tried.
15 & 16 Vict. c. 76, s. 101.

154. Where any Issue is or shall be joined in any Cause, and the Plaintiff has neglected or shall neglect to bring such Issue on to be tried, that is to say, in Town Causes where Issue has been or shall be joined in or in the Vacation before any Term; for instance, *Hilary* Term, and the Plaintiff has neglected or shall neglect to bring the Issue on to be tried during or before the following Term and Vacation, for instance, *Easter* Term and Vacation; and in Country Causes where Issue has been or shall be joined in or in the Vacation before *Hilary* or *Trinity* Term, and the Plaintiff has neglected or shall neglect to bring the Issue on to be tried at or before the Second Assizes following such Term, or if Issue has been or shall be joined in or in the Vacation before *Easter* or *Michaelmas* Term, then, if the Plaintiff has neglected or shall neglect to bring the Issue on to be tried at or before the First Assizes after such Term, whether the Plaintiff shall in the meantime have given Notice of Trial or not, the Defendant may give Twenty Days Notice to the Plaintiff to bring the Issue on to be tried at the Sittings or Assizes, as the Case may be, next after the Expiration of the Notice; and if the Plaintiff afterwards neglects to give Notice of Trial for such Sittings or Assizes, or to proceed to Trial in pursuance of the said Notice given by the Defendant, the Defendant may suggest on the Record that the Plaintiff has failed to proceed to Trial, although duly required so to do (which Suggestion shall not be traversable, but only be subject to be set aside if untrue), and may sign Judgment for his Costs: Provided that the Court or a Judge shall have Power to extend the Time for proceeding to Trial with or without Terms.

Nisi Prius Record.

And with respect to the Nisi Prius Record, be it enacted as follows:

Nisi Prius Record not to be sealed or passed.
15 & 16 Vict. c. 76, s. 102.

155. The Record of Nisi Prius shall not be sealed or passed, but may be delivered to the proper Officer of the Court in which the Cause is to be tried, to be by him entered and remain until disposed of.

Juries and Jury Process.

And with respect to Juries and Jury Process, be it enacted as follows:

Precept by Judges of Assize to summon Jurors for Civil as well as Criminal Trials. 15 & 16 Vict. c. 76, ss. 104, 105.

156. No Jury Process shall be necessary or used in any Action, but the Precept issued by the Judges of Assize to the Sheriff to summon Jurors for the Assizes shall direct that the Jurors be summoned for the Trial of all Issues, whether Civil or Criminal, which may come on for Trial at the Assizes, and the Jurors shall thereupon be summoned in like Manner as at present.

A printed Panel to be prepared and annexed to the Record. 15 & 16 Vict. c. 76, s. 106.

157. A printed Panel of the Jurors summoned shall, Seven Days before the Commission Day, be made by the Sheriff, and kept in the Office of the Returning Officer for Inspection; and a printed Copy of such Panel shall be delivered by the Sheriff to any Party requiring the same, on Payment of One Shilling; and such Copy shall be annexed to the Nisi Prius Record.

Sheriffs of County and County of City of Dublin to summon Common Jurors, and prepare a Panel, to be annexed to the Record. 15 & 16 Vict. c. 76, s. 107.

158. The Sheriffs of the County and County of the City of Dublin respectively shall, pursuant to a Precept under the Hand of a Judge of any of the said Superior Courts, and without any other Authority, summon a sufficient Number of Common Jurors for the Trial of all Issues in the Superior Courts of Common Law and the Consolidated Nisi Prius Court, in like Manner as before this Act; and Seven Days before the First Day of each Sittings, and a printed Panel of the Jurors so summoned for the Trial of Causes at such Sittings shall be made by such Sheriffs, and kept in their Offices for Public Inspection; and a printed Copy of such Panel shall be delivered by the said Sheriffs to any Party requiring the same, on Payment of One Shilling; and such Copy shall be annexed to the Nisi Prius Record; and the said Precept shall and may be in like Form as the Precept issued by the Judges of Assize, and One thereof shall suffice for each Term and After Sittings, and for all the Superior Courts and the Consolidated Nisi Prius Court; and it shall be the Duty of the Sheriffs respectively to apply for and procure such Precept to be issued in sufficient Time before each Term, to enable them to summon the Jurors in manner aforesaid; and it shall be lawful for the several Courts, or any Judge thereof, at any Time to issue such Precept or Precepts to summon Jurors for disposing of the Business pending in such Courts and in the Consolidated Nisi Prius Court, and to direct the Time and Place for which such Jurors shall be summoned, and all such other Matters as to the Court or Judge shall seem requisite.

Special Jurors to be summoned to try all Spe-

159. The Precept issued by the Judges of Assize, and by the Judge of any of the said Superior Courts for Cases in the County and City of Dublin as aforesaid, shall direct the Sheriff to summon a sufficient

cial Jury Causes.
15 & 16 Vict. c. 76. s. 108.

a sufficient Number of Special Jurymen, to be mentioned therein not exceeding, in Country Cases, Forty-eight in all, to try the Special Jury Causes at the Assizes, or in the several Superior Courts of Common Law at Dublin respectively; and the Persons summoned in pursuance of such Precept shall be the Jury for trying the Special Jury Causes at the Assizes or After Sittings respectively, subject to Right of Challange as the Parties are now by Law entitled to, and subject to the like Liability as to the Payment of the Costs of obtaining such Special Jury; and a printed Panel of the Special Jurors so summoned shall be made, kept, delivered, and annexed to the Nisi Prius Record, in like Time and Manner and upon the same Terms as herein-before provided with reference to the Panel of Common Jurors; and upon the Trial, the Special Jury shall be balloted for, and called in the Order in which they shall be drawn from the Box, in the same Manner as Common Jurors; provided that the Court or a Judge, in such Case as they or he may think fit, may order that a Special Jury be struck according to the Practice existing before the Commencement of the "Common Law Procedure Amendment Act (Ireland), 1853," and such Order shall be a sufficient Warrant for striking such Special Jury, and making a Panel thereof for the Trial of the particular Cause.

Mode of obtaining a Special Jury.
15 & 16 Vict. c. 76. s. 109.

160. The Plaintiff in any Action, except Replevin, shall be entitled to have the Cause tried by a Special Jury, upon giving Notice in Writing to the Defendant, at such Time as would be necessary for a Notice of Trial, of his Intention that the Cause shall be so tried; and the Plaintiff in an Action of Replevin, and the Defendant in other Actions, shall be so entitled, on giving the like Notice within the Time limited for obtaining a Rule for a Special Jury by a General Order to be made as herein-after provided: Provided that the Court or a Judge may at any Time order that a Cause shall be tried by a Special Jury, upon such Terms as they or he shall think fit.

Remedy for Delay by Notice of Trial by Special Jury.
15 & 16 Vict. c. 76. s. 111.

161. Where the Defendant in any Case, or the Plaintiff in Replevin, gives Notice of his Intention to try the Cause by a Special Jury, the Court or a Judge, if satisfied that such Notice is given for the Purpose of Delay, may order that the Cause be tried by a Common Jury, or make such other Order as to the Trial of the Cause as such Court or Judge shall think fit.

Notice of Sheriff of Trial by Special Jury.
15 & 16 Vict. c. 76. s. 112.

162. Where Notice has been given to try by Special Jury, either Party may, Six Days before the First Day of the Sittings, or Adjournment Day in Dublin, or Commission Day of the Assizes, give Notice to the Sheriff that such Cause is to be tried by a Special Jury; and in case no such Notice be given no Special Jury need be summoned or attend, and the Cause may be tried by a Common Jury, unless otherwise ordered by the Court or Judge.

If Special Jury not summoned, Cause to be tried by a Common Jury.
15 & 16 Vict. c. 76. s. 113.

163. In all Cases where Notice is not given to the Sheriff that the Cause is to be tried by a Special Jury and by reason thereof a Special Jury is not summoned or does not attend, the Cause may be tried by a Common Jury, to be taken from the Panel of Common Jurors, in like Manner as if no Proceedings had been had to try the Cause by a Special Jury.

View to be by Rule.
15 & 16 Vict. c. 76. s. 114.

164. A Writ or Clause of View shall not be necessary or used, but whether the View is to be had by a Common or Special Jury it shall be sufficient to obtain a Rule of the Court or a Judge's Order directing a View to be had, and directing the Sheriff to have Six or more of the Jurors named in the Panel chosen by Consent, or, if the Parties cannot agree, nominated by the proper Officer of the Court at the Place in question, some convenient Time before the Trial; and the Viewers shall have the Place shown to them by Two Persons named in the Order, and to be appointed by the Court or Judge; and the Sheriff, upon Request, shall deliver to either Party the Names of the Viewers, and shall also return their Names to the Registrar, for the Purpose of their being called as Jurymen upon the Trial.

Court or Judge may provide for View out of the County, or County of City, in which Action is to be tried.

165. In all Actions in which any Order shall be made for the Purpose of changing the Venue, it shall be lawful for the Court or a Judge to provide for a View out of the County in which the Action is to be tried; and for that Purpose to make such Orders, directed to the Sheriffs of the different Counties, as such Court or Judge shall think right.

Inspection by Jury of Parties or Witnesses.
17 & 18 Vict. c. 125, s. 58.

166. Either Party shall be at liberty to apply to the Court or a Judge for a Rule or Order for the Inspection by the Jury, or by himself, or by his Witnesses, of any Real or Personal Property the Inspection of which may be material to the proper Determination of the Question in dispute; and it shall be lawful for the Court, or a Judge, if they or he think fit, to make such Rule or Order, upon such Terms as to Costs and otherwise as such Court or Judge may direct.

Rule or Order for summoning Jury.
17 & 18 Vict. c. 125, s. 57.

167. The several Courts, or any Judge thereof, may make all such Rules or Orders upon the Sheriff or other Person as may be necessary to procure the Attendance of a Special or Common Jury for the Trial of any Cause or Matter depending in such Courts, at such Time and Place and in such Manner as they or he may think fit.

Proceedings before Jurors so returned. 15 & 16 Vict. c. 76, s. 115.

168. The Jurors contained in such Panels as aforesaid shall be the Jurors to try the Causes at the Assizes and Sittings for which they shall be summoned respectively; and all such Proceedings may be had and taken before such Juries in like Manner, and with the like Consequences in all respects, as before any Jury summoned in pursuance of any Writ or Writs of Venire facias, Juratores, Distringas juratores, or Habeas corpora juratorum, before the Commencement of the Common Law Procedure Amendment Act (Ireland), 1853, and also in respect of Persons summoned to appear upon such Juries, and in the event of an insufficient Attendance of Persons summoned and competent to act as Jurors.

Defendant's Right to try, upon Default of the Plaintiff, preserved. 15 & 16 Vict. c. 76, s. 116.

169. Nothing herein contained shall affect the Right of a Defendant to take down a Cause for Trial, after Default by the Plaintiff to proceed to Trial, according to the Course and Practice of the Court; and if Records are entered for Trial both by the Plaintiff and the Defendant, the Defendant's Record shall be treated as standing next in Order after the Plaintiff's Record in the List of Causes, and the Trial of the Cause shall take place accordingly.

Two Judges may sit at same Time for Trial of Causes pending in the same Court. 17 & 18 Vict. c. 125, s. 2.

170. It shall be lawful for any One of the Judges of any of the Superior Courts at Dublin, at the Request of the Lord Chief Justice or Lord Chief Baron, to try the Causes entered for Trial at Nisi Prius in Dublin in any of the Courts, on the same Days on which the said Lord Chief Justice or Lord Chief Baron, or any other Judge of the same Court, shall be sitting to try Causes at Dublin, so that the Trial of Two Causes may be proceeded with at the same Time; and all Jurors, Witnesses, and other Persons who may have been summoned or required to attend at or for the Trial of any Cause before the said Lord Chief Justice or Lord Chief Baron, as the Case may be, shall give their Attendance at and for the Trial thereof before such other Judge as may be sitting to try the same by virtue of this Act; and it shall be lawful for the Registrars and other Officers of the Lord Chief Justice or Lord Chief Baron, as the Case may be, to appoint, from Time to Time, fit and proper Persons, to be approved by the said Lord Chief Justice or Lord Chief Baron, to attend for them and on their Behalf respectively before such Judge; and the Trial of every Cause which shall be so had by virtue of this Act shall if necessary, be entered of Record, as having been had before the Judge by whom such Cause in fact was tried.

Power to the Court or Judge in certain Cases

171. In any Action when the Plaintiff's Claim is for a Debt or liquidated Demand in Money not exceeding Twenty Pounds, or when such Claim, though it originally exceeded Twenty Pounds, is reduced by Payment into Court, Payment, and admitted Set-off or otherwise, to a Sum not exceeding Twenty Pounds, it shall be lawful for the Court or a Judge, on the Application of either Party, after Issue joined, in their or his Discretion, to order that the Cause be tried before any Chairman of Quarter Sessions of any County, or the Recorder of any Borough as the Court or Judge shall direct, and thereupon the Plaintiff shall lodge with the Clerk of the Peace of such County, or the proper Officer of such Borough Court such Order, and the Issue; and the Judge before whom the same shall be directed to be tried shall appoint a Day for the hearing of the Cause, Notice whereof shall be sent, through the Post Office or otherwise, to both Parties or their Attorneys; and after such Hearing the Clerk of the Peace or proper Officer shall certify the Result to the Master's Office of such Superior Court, and Judgment in accordance with such Certificate may be signed in such Superior Court.

to direct Trial to take place before Chairman or Recorder. 19 & 20 Vict. c. 108, s. 26.

Arbitration.

And with respect to Arbitration, be it enacted as follows:

Power to Court or Judge to direct Arbitration before Trial. 17 & 18 Vict. c. 125, s. 3.

172. If it be made appear, at any Time after the issuing of the Writ, to the Satisfaction of the Court or a Judge, upon the Application of either Party, that the Matter in dispute consists wholly or in part of Matters of mere Account which cannot conveniently be tried in the ordinary Way, it shall be lawful for such Court or Judge, upon such Application, if they or he think fit, to decide such Matter in a summary Manner, or to order that such Matter, either wholly or in part, be referred to an Arbitrator appointed by the Parties, or to an Officer of the Court, upon such Terms as to Costs and otherwise as such Court or Judge shall think reasonable; and the Decision or Order of such Court or Judge, or the Award or Certificate of such Referee, shall be enforceable by the same Process as the Finding of a Jury upon the Matter referred.

Special Case may be stated, and Question of Fact tried. 17 & 18 Vict. c. 125, s. 4.

173. If it shall appear to the Court or a Judge that the Allowance or Disallowance of any particular Item or Items in such Account depends upon a Question of Law fit to be decided by the Court, or upon a Question of Fact to be decided by a Jury, or by a Judge upon the Consent of both Parties as herein-before provided, it shall be lawful for such Court or Judge to direct a Case to be stated, or an Issue or Issues to be tried; and the Decision of the Court upon such Case, and the Finding of the Jury or Judge upon such Issue or Issues, shall be taken and acted upon by the Arbitrator as conclusive.

Arbitrator may state special Case. 17 & 18 Vict. c. 125, s. 5.

174. It shall be lawful for the Arbitrator, upon any compulsory Reference under this Act, or upon any Reference by Consent of

Parties where the Submission is or may be made a Rule or Order of any of the Superior Courts of Law or Equity at Dublin, if he shall think fit, and if it is not provided to the contrary, to state his Award, as to the whole or any Part thereof, in the Form of a Special Case for the Opinion of the Court; and when an Action is referred, Judgment, if so ordered, may be entered according to the Opinion of the Court.

Power to Judge to direct Arbitration at Time of Trial when Issues of Fact left to his Decision. 17 & 18 Vict. c. 125, s. 6.

175. If upon the Trial of any Issue of Fact by a Judge under this Act it shall appear to the Judge that the Questions arising thereon involve Matter of Account which cannot conveniently be tried before him, it shall be lawful for him, at his Discretion, to order that such Matter of Account be referred to an Arbitrator appointed by the Parties, or to an Officer of the Court, upon such Terms as to Costs and otherwise as such Judge shall think reasonable; and the Award or Certificate of such Referee shall have the same Effect as herein-before provided as to the Award or Certificate of a Referee before Trial; and it shall be competent for the Judge to proceed to try and dispose of any other Matters in question, not referred, in like Manner as if no Reference had been made.

Proceedings before and Power of such Arbitrator. 17 & 18 Vict. c. 125, s. 7.

176. The Proceedings upon any such Arbitration as aforesaid shall, except otherwise directed hereby or by the Submission or Document authorizing the Reference, be conducted in like Manner, and subject to the same Rules and Enactments, as to the Power of the Arbitrator and of the Court, the Attendance of Witnesses, the Production of Documents enforcing or setting aside the Award, and otherwise, as upon a Reference made by Consent under a Rule of Court or Judge's Order.

Power to send back to Arbitrator. 17 & 18 Vict. c. 125, s. 8.

177. In any Case where Reference shall be made to Arbitration as aforesaid the Court or a Judge shall have Power at any Time, and from Time to Time, to remit the Matters referred, or any or either of them, to the Re-consideration and Re-determination of the said Arbitrator, upon such Terms as to Costs and otherwise as to the said Court or Judge may seem proper.

Application to set aside the Award. 17 & 18 Vict. c. 125, s. 9.

178. All Applications to set aside any Award made on a compulsory Reference under this Act shall and may be made within the First Seven Days of the Term next following the Publication of the Award to the Parties, whether made in Vacation or Term; and if no such Application is made, or if no Rule is guaranteed thereon, or if any Rule granted thereon is afterwards discharged, such Award shall be final between the Parties.

179. Any Award made on a compulsory Reference under this Act, may, by Authority of a Judge, on such Terms as to him may seem reasonable, be enforced at any Time after Seven Days from the Time of Publication, notwithstanding that the Time for moving to set it aside has not elapsed.

Enforcing of Awards within Period for setting them aside.
17 & 18 Vict. c. 125, s. 10.

180. Whenever the Parties to any Deed or Instrument in Writing to be hereafter made or executed, or any of them shall agree that any then existing or future Differences between them, or any of them, shall be referred to Arbitration, and any one or more of the Parties so agreeing, or any Person or Persons claiming through or under him or them, shall nevertheless commence any Action at Law or Suit in Equity against the other Party or Parties, or any of them, or against any Person or Persons claiming through or under him or them in respect of the Matters so agreed to be referred, or any of them, it shall be lawful for the Court in which the Action or Suit is brought, or a Judge thereof, on Application by the Defendant or Defendants, or any of them, after Appearance and before Plea or Answer, upon being satisfied that no sufficient Reason exists why such Matters cannot be or ought not to be referred to Arbitration according to such Agreement as aforesaid, and that the Defendant was at the Time of the bringing of such Action or Suit and still is ready and willing to join and concur in all Acts necessary and proper for causing such Matters so to be decided by Arbitration, to make a Rule or Order staying all Proceedings in such Action or Suit, on such Terms as to Costs and otherwise as to such Court or Judge may seem fit: Provided always, that any such Rule or Order may at any Time afterwards be discharged or varied as Justice may require.

If Action commenced by One Party after all have agreed to Arbitration, Court or Judge may state Proceedings.
17 & 18 Vict. c. 125. s. 11.

181. If in any Case of Arbitration the Document authorizing the Reference provide that the Reference shall be to a single Arbitrator, and all the Parties do not after Differences have arisen concur in the Appointment of an Arbitrator; or if any appointed Arbitrator refuse to act, or become incapable of acting, or die, and the Terms of such Document do not show that it was intended that such Vacancy should not be supplied, and the Parties do not concur in appointing a new one; or if where the Parties or Two Arbitrators are at liberty to appoint an Umpire or Third Arbitrator, such Parties or Arbitrators do not appoint an Umpire or Third Arbitrator; or if any appointed Umpire or Third Arbitrator refuse to act, or become incapable of acting, or die, and the Terms of the Document authorizing the Reference do not show that it was intended that such a Vacancy should not be supplied, and the Parties or Arbitrators respectively do not appoint a new one, then in every such Instance

On Failure of Parties or Arbitrators, Court or Judge may appoint single Arbitrator or Umpire.
17 & 18 Vict. c. 125, s. 12

any Party may serve the remaining Parties or the Arbitrators, as the Case may be, with a written Notice to appoint an Arbitrator, Umpire, or Third Arbitrator respectively; and if within Seven clear Days after such Notice shall have been served no Arbitrator, Umpire, or Third Arbitrator be appointed, it shall be lawful for the Court or any Judge of any of the Superior Courts of Law or Equity at Dublin, upon Application of the Party having served such Notice as aforesaid, to appoint an Arbitrator, Umpire, or Third Arbitrator as the Case may be, and such Arbitrator, Umpire, and Third Arbitrator respectively shall have the like Power to act in the Reference and make an Award as if he had been appointed by Consent of all Parties.

When Reference is to Two Arbitrators and One Party fail to appoint, other Party may appoint Arbitrator to act alone. 17 & 18 Vict. c. 125, s. 13.

182. When the Reference is or is intended to be to Two Arbitrators, One appointed by each Party, it shall be lawful for either Party in the Case of the Death, Refusal to act, or Incapacity of any Arbitrator appointed by him, to substitute a new Arbitrator, unless the Document authorizing the Reference show that it was intended that the Vacancy should not be supplied; and if on such a Reference One Party fail to appoint an Arbitrator, either originally or by way of Substitution as aforesaid, for Seven clear Days after the other Party shall have appointed an Arbitrator and shall have served the Party so failing to appoint with Notice in Writing to make the Appointment, the Party who has appointed an Arbitrator may appoint such Arbitrator to act as sole Arbitrator in the Reference, and an Award made by him shall be binding on both Parties as if the Appointment had been by Consent: Provided however, that the Court or Judge may revoke such Appointment on such Terms as shall seem just.

Two Arbitrators may appoint Umpire. 17 & 18 Vict. c. 125, s. 14.

183. When the Reference is to Two Arbitrators, and the Terms of the Document authorizing it do not show that it was intended that there should not be an Umpire, or provide otherwise for the Appointment of an Umpire, the Two Arbitrators may appoint an Umpire at any Time within the Period during which they have Power to make an Award, unless they be called upon by Notice as aforesaid to make the Appointment sooner.

Award to be made in Three Months, unless Parties or Court enlarge Time. 17 & 18 Vict. c. 125, s. 15.

184. The Arbitrator acting under any such Document or compulsory Order of Reference as aforesaid, or under any Order referring the Award back, shall make his Award under his Hand, and (unless such Document or Order respectively shall contain a different Limit of Time) within Three Months after he shall have been appointed, and shall have entered on the Reference, or shall have been called upon to act by a Notice in Writing from any

Party, but the Parties may by Consent in Writing enlarge the Term for making the Award; and it shall be lawful for the Superior Court of which such Submission, Document, or Order is or may be made a Rule or Order, or for any Judge thereof, for good Cause to be stated in the Rule or Order for Enlargement, from Time to Time to enlarge the Term for making the Award; and if no Period be stated for the Enlargement in such Consent or Order for Enlargement, it shall be deemed to be an Enlargement for One Month; and in any Case where an Umpire shall have been appointed it shall be lawful for him to enter on the Reference in lieu of the Arbitrators, if the latter shall have allowed their Time or their extended Time to expire without making an Award, or shall have delivered to any Party or to the Umpire a Notice in Writing stating that they cannot agree.

185. When any Award made on any such Submission, Document, or Order of Reference as aforesaid, directs that Possession of any Lands or Tenements capable of being the Subject of an Action or Ejectment shall be delivered to any Party, either forthwith or at any future Time, or that any such Party is entitled to the Possession of any such Lands or Tenements, it shall be lawful for the Court of which the Document authorizing the Reference is or is made a Rule or Order to order any Party to the Reference who shall be in possession of any such Lands or Tenements, or any Person in possession of the same claiming under or put in possession by him since the making of the Document authorizing the Reference, to deliver Possession of the same to the Party entitled thereto, pursuant to the Award, and such Rule or Order to deliver Possession shall have the Effect of a Judgment in Ejectment against every such Party or Person named in it, and Execution may issue, and Possession shall be delivered by the Sheriff as on a Judgment in Ejectment.

Rule to deliver Possession of Land pursuant to Award to be enforced as a Judgment in Ejectment. 17 & 18 Vict. c. 125. s. 16.

186. Every Agreement or Submission to Arbitration by Consent, whether by Deed or Instrument in Writing not under Seal, may be made a Rule of any One of the Superior Courts of Law or Equity at Dublin, on the Application of any Party thereto, unless such Agreement or Submission contain Words purporting that the Parties intend that it should not be made a Rule of Court; and if in any such Agreement or Submission it is provided that the same shall or may be made a Rule of One in particular of such Superior Courts, it may be made a Rule of that Court only; and if, when there is no such Provision, a Case be stated in the Award for the Opinion of One of the Superior Courts, and such Court be specified in the Award, and the Document authorizing the Reference have

Agreement or Submission in Writing may be made Rule of Court, unless a contrary Intention appear. 17 & 18 Vict. c. 125. s. 17.

not, before the Publication of the Award to the Parties, been made a Rule of Court, such Document may be made a Rule only of the Court specified in the Award; and when in any Case the Document authorizing the Reference is or has been made a Rule or Order of any One of such Superior Courts, no other of such Courts shall have any Jurisdiction to entertain any Motion respecting the Arbitration or Award.

Admission of Documents; Proceedings at Trial and Evidence.

And with respect to the Admission of Documents, Proceedings, at the Trial, and Evidence, be it enacted as follows:

Admission of Documents. 15 & 16 Vict. c. 76. s. 117.

187. Either Party may call on the other Party by Notice to admit any Document, saving all just Exceptions; and in case of Refusal or Neglect to admit, the Costs of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless at the Trial the Judge shall certify that the Refusal to admit was reasonable; and no Costs of proving any Document shall be allowed unless such Notice be given, except in Cases where the Omission to give the Notice is in the Opinion of the Taxing Officer a Saving of Expense.

Proof of Admissions. 15 & 16 Vict. c. 76. s. 118.

188. An Affidavit of the Attorney in the Cause, or his Clerk, of the due Signature of any Admissions made in pursuance of such Notice, and annexed to the Affidavit, shall be in all Cases sufficient Evidence of such Admissions.

Proof of Notice to produce. 15 & 16 Vict. c. 76. s. 119.

189. An Affidavit of the Attorney in the Cause, or his Clerk, of the Service of any Notice to produce, in respect of which Notice to admit shall have been given, and of the Time when it was served, with a Copy of such Notice to produce annexed to such Affidavit, shall be sufficient Evidence of the Service of the original of such Notice, and of the Time when it was served.

Speeches to the Jury. 17 & 18 Vict. c. 125. s. 18.

190. Upon the Trial of any Cause the Addresses to the Jury shall be regulated as follows:—The Party who begins, or his Counsel, shall be allowed, in the Event of his Opponent not announcing at the Close of the Case of the Party who begins his Intention to adduce Evidence to address the Jury a Second Time at the Close of such Case, for the Purpose of summing up the Evidence; and the Party on the other Side, or his Counsel, shall be allowed to open the Case, and also to sum up the Evidence (if any): and the Right to reply shall be the same as at present.

Power to adjourn Trial. 17 & 18 Vict. c. 125. s. 19.

191. It shall be lawful for the Court or Judge, at the Trial of any Cause, where they or he may deem it right for the Purposes of Justice, to order an Adjournment for such Time, and subject to such Terms and Conditions as to Costs and otherwise as they or he may think fit.

192. If

192. If any Person called as a Witness, or required or desiring to make an Affidavit or Deposition, shall refuse or be unwilling from alleged conscientious Motives to be sworn, it shall be lawful for the Court or Judge, or other presiding Officer or Person, qualified to take Affidavits or Depositions, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being sworn, to make his or her solemn Affirmation or Declaration in the Words following: videlicet,

Affirmation instead of Oath in certain Cases. 17 & 18 Vict. c. 125. s. 20.

'I *A.B.* do solemnly, sincerely, and truly affirm and declare, 'that the taking of any Oath is, according to my Religious 'Belief, unlawful; and I do also solemnly, sincerely, and truly 'affirm and declare.' *&c.*

Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

193. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter or Thing, which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Persons making a false Affirmation be subject to the same Punishment as for Perjury. 17 & 18 Vict. c. 125. s. 21.

194. A Party producing a Witness shall not be allowed to impeach his Credit by general Evidence of bad Character, but he may, in case the Witness shall in the Opinion of the Judge prove adverse, contradict him by other Evidence, or, by Leave of the Judge, prove that he has made at other Times a Statement inconsistent with his present Testimony; but before such last-mentioned Proof can be given, the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

How far a Party may discredit his own Witness. 17 & 18 Vict. c. 125. s. 22.

195. If a Witness upon Cross-examination as to a former Statement made by him relative to the Subject Matter of the Cause, and inconsistent with his present Testimony, does not distinctly admit that he has made such Statement, Proof may be given that he did in fact; but before such Proof can be given, the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

Proof of contradictory Statements of adverse Witness. 17 & 18 Vict. c. 125. s. 23.

Cross-examination as to previous Statements in Writing.
17 & 18 Vict. c. 125. s. 24.

196. A Witness may be cross-examined as to previous Statements made by him in Writing, or reduced into Writing, relative to the Subject Matter of the Cause without such Writing being shown to him; but if it is intended to contradict such Witness by the Writing, his Attention must, before such contradictory Proof can be given, be called to those Parts of the Writing which are to be used for the Purpose of so contradicting him: Provided always, that it shall be competent for the Judge at any Time during the Trial to require the Production of the Writing for his Inspection, and he may thereupon make such Use of it for the Purposes of the Trial as he shall think fit.

Broof of previous Conviction of a Witness may be given.
17 & 18 Vict. c. 125. s. 25.

197. A Witness in any Cause may be questioned as to whether he has been convicted of any Felony or Misdemeanor, and upon being so questioned if he either denies the Fact or refuses to answer it shall be lawful for the opposite Party to prove such Conviction; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for such Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was convicted, or by the Deputy of such Clerk or Officer (for which Certificate a Fee of Five Shillings and no more shall be demanded or taken,) shall, upon Proof of the Identity of the Person, be sufficient Evidence of the said Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same.

Attesting Winess need not be called except in certain Cases.
17 & 18 Vict. c. 125. s. 26.

198. It shall not be necessary to prove by the attesting Witness any Instrument to the Validity of which Attestation is not requisite; and such Instrument may be proved by Admission or otherwise, as if there had been no attesting Witness thereto.

Comparison of disputed Writing.
17& 18 Vict. c. 125. s. 27.

199. Comparison of a disputed Writing with any Writing proved to the Satisfaction of the Judge to be genuine shall be permitted to be made by Witnesses, and such Writings and the Evidence of Witnesses respecting the same may be submitted to the Court and Jury as Evidence of the Genuineness or otherwise of the Writing in dispute.

Provision for stamping Documents at the Trial.
17 & 18 Vict. c. 125. s. 28.

200. Upon the Production of any Document as Evidence at the Trial of any Cause it shall be the Duty of the Officer of the Court whose Duty it is to mark such Document to call the Attention of the Judge to any Omission or Insufficiency of the Stamp; and the Document if unstamped or not sufficiently stamped shall not be received in Evidence until the whole or (as the Case may be) the

Deficiency of the Stamp Duty and the Penalty required by Statute, together with the additional Penalty of One Pound, shall have been paid.

Officer of the Court to receive the Duty and Penalty. 17 & 18 Vict. c. 125. s. 29.

201. Such Officer of the Court shall upon Payment to him of the whole or (as the Case may be) of the Deficiency of the Stamp Duty payable upon or in respect of such Document, and of the Penalty required by Statute, and of the additional Penalty of One Pound, give a Receipt for the Amount of the Duty or Deficiency which the Judge shall determine to be payable, and also of the Penalty, and thereupon such Document shall be admissible in Evidence, saving all just Exceptions on other Grounds; and an Entry of the Fact of such Payment and of the Amount thereof shall be made in a Book kept by such Officer; and such Officer shall at the End of each Sittings or Assizes (as the Case may be) duly make a Return to the Commissioners of Inland Revenue of the Monies, if any, which he has so received by way of Duty or Penalty, distinguishing between such Monies, and stating the Name of the Cause and of the Parties from whom he received such Monies, and the Date, if any, and Description of the Document for the Purpose of identifying the same, and he shall pay over the said Monies to the Receiver General of the Inland Revenue, or to such Person as the said Commissioners shall appoint or authorize to receive the same; and in case such Officer shall neglect or refuse to furnish such Account, or to pay over any of the Monies so received by him as aforesaid he shall be liable to be proceeded against in the Manner directed by the Eighth Section of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to repeal certain Stamp Duties, and to grant others in "lieu thereof, and to amend the Laws relating to the Stamp "Duties;" and the said Commissioners shall upon Request and Production of the Receipt herein-before mentioned, cause such Documents to be stamped with the proper Stamp or Stamps in respect of the Sums so paid as aforesaid.

Secondary Evidence may be given of lost Documents where Original unstamped.

202. If upon any Trial or other Proceeding pending in any Court, it shall appear to the Court, or Judge, or other presiding Officer, that any Document liable to Stamp Duty has been lost or destroyed, or cannot be produced, and that such Document was or is either unstamped or insufficiently stamped, and that but for such Defect secondary Evidence thereof would be admissible, it shall be lawful for such Court, Judge, or other presiding Officer, at their or his Discretion, upon Payment to the Officer of the Court, whose Duty it would be to mark the said Document if forthcoming, of the whole, or, as the Case may be, of the Deficiency of the Stamp Duty which the Court, or Judge, or other presiding Officer, shall determine to be payable upon or in respect of such Document, and of such Penalties as mentioned in the last preceding Section to receive secondary Evidence of the Contents of such Document, saving all just Exceptions on other Grounds; and the last-mentioned Officer shall, upon Demand, within a reasonable Time after such Trial, deliver to the Party by whom or on whose Behalf such Stamp Duty and Penalties have been paid, a Certificate under his Hand containing the Title of the Cause or other Proceeding in which such Payment has been made, the Nature of the Stamp Duty and the Amount which the Judge or other presiding Officer shall have determined to be payable as aforesaid, the Monies received in respect of Stamp Duty and Penalties, distinguishing between such Monies, and such short Description and Summary of the Contents of the Document as may be sufficient to identify the same; and such Certificate shall thenceforth have the same Force and Effect in all Courts of Justice as if such original Document were duly impressed with the Stamp expressed in such Certificate; and the said Officer shall make such Returns and Payments in respect of Monies so to be received by him as are provided by the last preceding Section; and in case of Neglect or Refusal so to do, he shall be liable to be proceeded against in the Manner provided in the last preceding Section.

The last Two preceding Sections not to apply where Document cannot be stamped after Execution. 17 & 18 Vict. c. 135, s. 29.

203. The Enactments contained in the last preceding Sections shall not extend to the Case of any Document which cannot now be stamped after the Execution thereof on the Payment of the Duty and a Penalty.

No Document under this Act to require a Stamp. 17 & 18 Vict. c. 125. s. 30.

204. No Document made or required under the Provisions of this Act shall be liable to any Stamp Duty.

No new Trial for ruling as to Stamp. 17 & 18 Vict. c. 125. s. 31.

205. No new Trial shall be granted by reason of the ruling of any Judge that the Stamp upon or in respect of any Document is sufficient, or that the Document does not require a Stamp.

With respect to Bills of Exception, be it enacted as follows:

Bills of Exceptions.

Form of Bill of Exceptions, 16 & 17 Vict. c. 113. s. 121.

206. Every Bill of Exceptions may be according to the Form No. 7 in the Schedule (A.) to this Act annexed; and it shall be lawful, by Consent of the Parties or Order of the Judge, to incorporate any Deed or Document therewith, by an appropriate Reference to such Deed or Document, without setting forth the same.

With

Judgment.

With respect to the Form and Manner of entering Judgment, be it enacted as follows:

Judgment not to be arrested on technical Grounds. 16 & 17 Vict. c. 113. s. 122.

207. No Judgment may be arrested or stayed or reversed by reason of any Imperfection, Omission, Defect in, or Lack of Form in any Declaration or other Pleading or Proceeding, nor by reason that the Venue is misplaced, or the Trial had in a wrong County or Place, nor by reason of any Misnomer of any of the Jurors who tried the Case in Name, Surname, or Addition, so as it appear to the Court to be the same Person that was meant to be returned, nor by reason that the Plaintiff or Defendant being under the Age of Twenty-one Years, did sue or defend by Attorney.

Entry of Judgment on the Roll unnecessary for Execution. 16 & 17 Vict. c. 113. s. 123.

208. It shall not be necessary, before issuing Execution upon any Judgment under the Authority of this Act, to enter the Proceedings upon any Roll, but on producing and lodging with the proper Officer a Certificate of the Name, Description, and Address of the Parties, an Entry shall be made in the Judgment Book, signed by the Master, shortly stating the Nature of the Judgment, and thereupon the Costs shall be taxed and Execution issued according to the Practice heretofore used, and the Effect of every such Entry of a Judgment shall be the same as that of a Judgment in an Action in the Form heretofore used; and such Entry in the said Judgment Book shall contain a Reference to the Number of the Roll on which such Judgment shall be enrolled, and shall contain a Column in which any Satisfaction of the said Judgment may be afterwards entered, if necessary.

Judgment for Money Demands without Distinction between Debt and Damages. 15 & 16 Vict. c. 76. s. 95.

209. In all Actions where the Plaintiff recovers a Sum of Money, the Amount to which he is entitled may be awarded to him generally without any Distinction being therein made as to whether such Sum is recovered by way of Debt or Damages.

Execution.

And with respect to Execution, be it enacted as follows:

Execution after Trial. 16 & 17 Vict. c. 113. s. 127.

210. A Plaintiff or Defendant, having obtained a Verdict or Nonsuit in a Cause tried out of Term, shall be entitled, without any Rule on the Postea or Inquisition, to mark Judgment and to issue Execution in Fourteen Days, and in a Cause tried in Term in Four Days, unless the Judge who tries the Cause, or some other Judge, or the Court, shall order Execution to issue at an earlier or later Period, with or without Terms; and it shall be lawful for the said Judge before whom the Trial has been had, or any other Judge, or the Court, to make such Order accordingly: Provided that, notwithstanding any Judgment signed or recorded, or Execution issued by virtue of this Act, it shall be lawful for the Court in which such Action shall have been brought, to order such Judgment

ment to be vacated, and Execution to be stayed or set aside, and to enter an Arrest of Judgment, or grant a new Trial or new Writ of Inquiry, as Justice may appear to require, and thereupon the Party affected by such Execution shall be restored to all he may have lost thereby in such Manner as upon the Reversal of a Judgment by a Proceeding in Error, or otherwise, as the Court may think fit to direct.

Ground Writs not necessary. 15 & 16 Vict. c. 76. s. 121.

211. It shall not be necessary to issue any Writ directed to the Sheriff of the County in which the Venue is laid, but Writs of Execution may issue at once into any County, and be directed to and executed by the Sheriff of any County, without Reference to the County in which the Venue is laid, and without any Suggestion of the issuing of a prior Writ into such County.

Expenses of Execution. 15 & 16 Vict. c. 76. s. 123.

212. In every Case of Execution the Party entitled to Execution may levy the Poundage Fees and Expenses of the Execution, over and above the Sum recovered.

Writs of Execution to remain in force for One Year, and to be renewed if necessary. 15 & 16 Vict. c. 76. s. 124.

213. A Writ of Execution issued after the Commencement of this Act, if unexecuted, shall not remain in force for more than One Year from the Teste of such Writ, unless renewed in the Manner herein-after provided; but such Writ may, at any Time before its Expiration, be renewed by the Party issuing it, for One Year from the Date of such Renewal, and so on from Time to Time during the Continuance of the renewed Writ, either by being marked with a Seal bearing the Date of the Day, Month, and Year of such Renewal, (such Seal to be provided and kept for that Purpose at the Office of the Master of the Court out of which such Writ issued,) or by such Party giving a written Notice of Renewal to the Sheriff, signed by the Party or his Attorney, and bearing the like Seal of the Court; and a Writ of Execution so renewed shall have Effect, and be entitled to Priority, according to the Time of the original Delivery thereof: Provided, however, that no Writ of Habere shall be renewed without the special Leave of the Court or Judge.

Production of renewed Writ Evidence of Renewal. 15 & 16 Vict. c. 76. s. 125.

214. The Production of a Writ of Execution, or of the Notice renewing the same, purporting to be marked with such Seal, showing the same to have been renewed according to this Act, shall be sufficient Evidence of its having been so renewed.

Sheriff or Gaoler may discharge Prisoner by Authority of

215. A written Order under the Hand of the Attorney in the Cause, by whom any Writ of Capias ad satisfaciendum shall have been issued, shall justify the Sheriff, Gaoler, or Person in whose Custody the Party may be under such Writ, in discharging such

Party, unless the Party for whom such Attorney professes to act shall have given written Notice to the contrary to such Sheriff, Gaoler, or Person in whose Custody the opposite Party may be; but such Discharge shall not be a Satisfaction of the Debt, unless made by the Authority of the Creditor; and nothing herein contained shall justify any Attorney in giving such Order for Discharge without the Consent of his Client.

Attorney in the Cause. 15 & 16 Vict. c. 76. s. 126.

216. It shall not be necessary in any Case to sue out a Writ of Habeas corpus ad satisfaciendum to charge in Execution a Person already in the Prison of the Court, but such Person may be so charged in Execution by a Judge's Order made upon Affidavit that Judgment has been signed and is not satisfied; and the Service of such Order upon the Keeper of the Prison for the Time being shall have the Effect of a Detainer.

Proceedings for charging in Execution a Person already in Prison of the Court. 15 & 16 Vict. c. 76. s. 127.

217. By virtue of any Writ of Fieri facias to be sued out of any Superior or Inferior Court, or any Precept in pursuance thereof, the Sheriff or other Officer having the Execution thereof may seize and take any Money or Bank Notes, (whether of the Governor and Company of the Bank of Ireland, or of any other Bank or Bankers,) and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money, belonging to the Person against whose Effects such Writ of Fieri facias shall be sued out; and may and shall pay or deliver to the Party suing out such Execution any Money or Bank Notes which shall be so seized, or a sufficient Part thereof, and may and shall hold any such Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money as a Security or Securities for the Amount by such Writ of Fieri facias directed to be levied, or so much thereof as shall not have been otherwise levied and raised, and may sue in the Name of such Sheriff or other Officer for the Recovery of the Sum or Sums secured thereby, if and when the Time of Payment thereof shall have arrived; and the Payment to such Sheriff or other Officer by the Party liable, with or without Suit, or the Recovery and levying Execution against the Party so liable, shall discharge him to the Extent of such Payment, or of such Recovery and Levy in Execution, as the Case may be, from his Liability on any such Cheque, Bill of Exchange, Promissory Note, Bond, Speciality, or other Security; and such Sheriff or other Officer may and shall pay over to the Party suing out such Writ the Money so to be recovered, or such Part thereof as shall be sufficient to discharge the Amount by such Writ directed to be levied; and if, after Satisfaction of the Amount so to be levied, together with Sheriff's Poundage and Expenses, any Surplus shall remain in the

Sheriff empowered to seize Money, Bank Notes, &c., and to pay Money or Bank Notes to Execution Creditor. 16 & 17 Vict. c. 113. s. 131.

Hands of such Sheriff or other Officer, the same shall be paid to the Party against whom such Writ shall be so issued: Provided that no such Sheriff or other Officer shall be bound to sue any Party liable upon any such Cheque, Bill of Exchange, Promissory Note, Bond, Specialty, or other Security, unless the Party suing out such Execution shall enter into a Bond, with Two sufficient Sureties, for indemnifying him from all Costs and Expenses to be incurred in the Prosecution of such Action, or to which he may become liable in consequence thereof, the Amount of such Bond or the Sufficiency of such Sureties, or such Amount and such Sufficiency, to be determined by the Master of the Court in which such Action shall be brought, or, if the Court shall so order, by a Commissioner of such Court authorized to take special Bail, and the Expense of such Bond to be deducted out of any Money to be recovered in such Action.

Attachment of Government and Public Stock and Shares. 16 & 17 Vict. c. 113. s. 132. 3 & 4 Vict. c. 105. s. 23.

218. If any Person against whom any Judgment shall have been entered up in any of Her Majesty's Superior Courts at Dublin shall have any Government Stock, Funds, or Annuities, or any Stock or Shares in any Public Company in Ireland, whether incorporated or not, and standing in his Name in his own Right, or in the Name of any Person in trust for him, it shall be lawful for the Court or a Judge, on the Application of such Judgment Creditor, to order that such Stock, Funds, Annuities, or Shares, or such of them, or such Part thereof as such Court or Judge shall think fit, shall stand charged with the Payment of the Amount for which such Judgment shall have been so recovered, and Interest thereon, and such Order shall entitle the Judgment Creditor to all such Remedies as he would have been entitled to if such Charge had been made in his Favour by the Judgment Debtor, and the Provisions last aforesaid shall extend to the Interest of any Judgment Debtor, whether in possession, remainder, or reversion, and whether vested or contingent, as well in any such Stocks, Funds, Annuities, or Shares as aforesaid, as also in the Dividends, Interest, or annual Produce of any such Stocks, Funds, Securities, or Shares.

Order in respect of Money in Name of Accountant General. 16 & 17 Vict. c. 113. s. 135. 3 & 4 Vict. c. 105. s. 23.

219. If such Judgment Debtor shall have any such Estate or Interest, as mentioned in the last preceding Section, in any such Stock, Funds, Annuities, or Shares, or Money, which shall be standing in the Name of the Accountant General of the Court of Chancery, or of the Landed Estates Court, or of the Master of any of the Superior Courts of Law in Ireland, or in the Dividends, Interest, or annual Produce thereof, it shall be lawful for the Court or a Judge to make such Order as to such Stock, Funds, Annuities, Shares, and the Dividends, Interest, and annual Produce thereof, as if the same had been standing in the Name of a Trustee for such Judgment Debtor; but no such Order shall prevent the Governor and Company of the Bank of Ireland or any Public Company from permitting any Transfer of such Stocks, Funds, Annuities, or Shares, or Money, or the Payment of the Dividends, Interest, or annual Produce thereof, in such Manner as the said Court of Chancery, or the Landed Estates Court, Ireland, or the Court of Common Law may direct, or shall have any greater Effect than if such Debtor had charged such Stock, Funds, Annuities, or Shares, or the Interest, Dividends, or annual Produce thereof, in favour of the Judgment Creditor, with the Amount of the Sum to be mentioned in any such Order: Provided that no Proceedings shall be taken to have the Benefit of such Charge until after the Expiration of Six Calendar Months from the Date of such Order, and provided also, that it shall be lawful for the said Court of Chancery or Court of Common Law, or the said Landed Estates Court, on the Application of the Judgment Creditor, to make such Order in respect of same as shall be just.

Order of Court or Judge to be made in the first instance ex parte, and Notice to Bank or Company to operate as a Distringas. 3 & 4 Vict. c. 105. s. 24.

220. And in order to prevent any Person, against whom Judgment shall have been obtained, from transferring, receiving, or disposing of any Stock, Funds, Annuities, or Shares hereby authorized to be charged for the Benefit of a Judgment Creditor, under an Order of a Court or Judge, be it enacted, That every Order of such Court or Judge charging any Government Stock, Funds, or Annuities, or any Stock or Shares in any Public Company under this Act, shall be made in the first instance ex parte and without any Notice to the Judgment Debtor, and shall be an Order to show Cause only; and such Order, if any Government Stock, Funds, or Annuities, standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in trust for him, is or are to be affected by such Order, shall restrain the Governor and Company of the Bank of Ireland from permitting a Transfer of such Stock in the meantime, and until such Order shall be made absolute or discharged; and if any Stock or Shares of or in any Public Company standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in trust for him, is or are to be affected by any such Order, shall in like Manner restrain such Public Company from permitting a Transfer thereof; and if after Notice of such Order to the Person or Persons to be restrained thereby, or in case of Corporations, to any authorized Agent of such Corporation, and before the same Order shall be discharged or made absolute, such Corporation, or Person or Persons, shall permit any such Transfer to be made, then, and in such Case, the Corporation, or Person, or Persons so permitting such Transfer, shall be liable to the Judgment Creditor for the Value or Amount of the Property so charged and so transferred, or such Part thereof as may be sufficient to satisfy his Judgment; and no Disposition of the Judgment Debtor in the meantime shall be valid or effectual as against the Judgment Creditor; and further, unless the Judgment Debtor shall within a Time to be mentioned in such Order, show to One of the said Courts or a Judge thereof sufficient Cause to the contrary, the said Order shall, after Proof of Notice thereof to the Judgment Debtor, his Attorney, or Agent, be made absolute: Provided that any such Court or Judge shall, upon the Application of the Judgment Debtor, or any Person interested, have full Power to discharge or vary such Order, and to award such Costs upon such Application as the said Court or Judge may think fit.

Execution against beneficed Clergymen. 16 & 17 Vict. c. 113, s. 136.

221. Where to a Writ of Fieri facias, issued against a beneficed Clergyman, the Sheriff shall have returned Nulla bona, and that the Defendant is a beneficed Clerk having no Lay Fee, the Plaintiff may as of course issue a Writ of Execution De bonis ecclesiasticis directed to the Bishop of any Diocese in which the Defendant may have a Benefice, and at any Time after a Writ of Execution De bonis ecclesiasticis shall have been delivered to any Bishop, the Plaintiff may apply to the Court by Motion for an Order that the Bishop do certify what has been done under the Writ, and that the Sequestrator do account; and where, in obedience to any such Writ of Fieri facias, De bonis ecclesiasticis, a Sequestration of the Ecclesiastical Benefice shall be issued by any Bishop, it shall be lawful for any Court in which any Judgment shall be had against the same Defendant, and Execution issued and returned Nulla bona, to make an Order extending the said Sequestration to the Matter of the said last-mentioned Judgment, without any further Writ or Proceeding; and the said last-mentioned Creditor shall have the Benefit of such Sequestration, and with Priority as from the Date of such Order of Extension, as if it were a Sequestration issued at his own Instance.

Return of Devastavit not to be made but on Finding of Jury. 16 & 17 Vict. c. 113, s. 137.

222. No Sheriff or other Officer shall return a Devastavit against any Defendant, being an Executor or Administrator, in any Action, but upon any Inquisition taken on the Oaths of Twelve lawful Men of his County, to whom Challenge may be taken; and the Plaintiff shall give the Defendant Ten Days previous Notice of the taking of such Inquisition, and of the Time and Place of taking the same; and upon the Return of such Devastavit the Plaintiff shall be entitled to immediate Execution De bonis propriis, without further Rule or Judgment.

223. It shall be lawful for any Creditor who has obtained a Judgment in any of the Superior Courts, to apply to the Court or a Judge, for a Rule or Order that the Judgment Debtor should be orally examined as to any and what Debts are owing to him before a Master of the Court, or such other Person as the Court or Judge shall appoint; and the Court or Judge may make such Rule or Order for the Examination of such Judgment Debtor, and for the Production of any Books or Documents, and the Examination shall be conducted in the same Manner as in the Case of an oral Examination of an opposite Party before a Master under this Act.

Examination of Judgment Debtor as to Debts due to him.
17 & 18 Vict. c. 125, s. 60.

224. It shall be lawful for the Court or a Judge, upon the ex parte Application of such Judgment Creditor, either before or after such oral Examination, and upon Affidavit by himself or his Attorney, stating that Judgment has been recovered, and that it is still unsatisfied and to what Amount, and that any other Person is indebted to the Judgment Creditor, and is within the Jurisdiction to order that all Debts owing or accruing from such Third Person (herein-after called the Garnishee) to the Judgment Debtor shall be attached to answer the Judgment Debt; and by the same or any subsequent Order it may be ordered that the Garnishee shall appear before the Court or Judge, or a Master of the Court as such Court or Judge shall appoint, to show Cause why he should not pay the Judgment Creditor the Debt due from him to the Judgment Debtor, or so much thereof as may be sufficient to satisfy the Judgment Debt.

Judge may order an Attachment of Debts.
17 & 18 Vict. c. 125. s. 61.

225. Service of an Order that Debts due or accruing to the Judgment Debtor shall be attached, or Notice thereof to the Garnishee, in such Manner as the Court or Judge shall direct, shall bind such Debts in his Hands.

Order for Attachment to bind Debts.
17 & 18 Vict. c. 125. s. 62.

226. If the Garnishee does not forthwith pay into Court the Amount due from him to the Judgment Debtor, or an Amount equal to the Judgment Debt, and does not dispute the Debt due or claimed to be due from him to the Judgment Debtor, or if he does not appear upon Summons, then the Court or Judge may order Execution to issue, and it may be sued forth accordingly, without any previous Writ or Process, to levy the Amount due from such Garnishee towards Satisfaction of the Judgment Debt.

Proceedings to levy Amount due from Garnishee to Judgment Debtor.
17 & 18 Vict. c. 125. s. 63.

227. If the Garnishee disputes his Liability, the Judge, instead of making an Order that Execution shall issue, may order that the Judgment Creditor shall be at liberty to proceed against the Garnishee by Writ, calling upon him to show Cause why there

Judge may allow Judgment Creditor to sue Garnishee.
17 & 18 Vict. c. 125. s. 64.

should not be Execution against him for the alleged Debt, or for the Amount due to the Judgment Debtor, if less than the Judgment Debt, and for Costs of Suit; and the Proceedings upon such Suit shall be the same, as nearly as may be, as upon a Writ of Revivor issued under this Act.

Garnishee discharged. 17 & 18 Vict. c. 125. s. 65.

228. Payment made by or Execution levied upon the Garnishee under any such Proceeding as aforesaid shall be a valid Discharge to him as against the Judgment Debtor to the Amount paid or levied, although such Proceeding may be set aside or the Judgment reversed.

Attachment Book to be kept by the Masters of each Court. 17 & 18 Vict. c. 125. s. 66.

229. In each of the Superior Courts there shall be kept at the Master's Office a Debt Attachment Book, and in such Book Entries shall be made of the Attachment and Proceedings thereon, with Names, Dates, and Statements of the Amount recovered, and otherwise; and the Mode of keeping such Books shall be the same in all the Courts; and Copies of any Entries made therein may be taken by any Person upon Application to the Master.

Costs of Application. 17 & 18 Vict. c. 125. s. 67.

230. The Costs of any Application for an Attachment of Debt under this Act, and of any Proceedings arising from or incidental to such Application, shall be in the Discretion of the Court or a Judge.

Judge may refuse to interfere in Proceedings to attach Debts. 23 & 24 Vict. c. 126. s. 28.

231. In Proceedings to obtain an Attachment of Debts under the foregoing Provisions, the Court or Judge may, in their or his Discretion, refuse to interfere, or may impose such Terms and Conditions as to the Time and Mode of Payment, or otherwise, as they or he may think fit.

Proceedings where Third Person has a Lien on the Debt. 23 & 24 Vict. c. 126. s. 29.

232. Whenever in Proceedings to obtain an Attachment of Debts under this Act, it is suggested by the Garnishee that the Debt sought to be attached belongs to some Third Person, who has a Lien or Charge upon it, the Judge may order such Third Person to appear before him, and state the Nature and Particulars of his Claim upon such Debt.

Judge may bar Claim of Third Person, and make Orders. 23 & 24 Vict. c. 126. s. 30.

233. After hearing the Allegations of such Third Person under such Order, and of any other Person whom by the same or any subsequent Order the Judge may think fit to call before him, or in case of such Third Person not appearing before him upon such Summons, the Judge may order Execution to issue to levy the Amount due from such Garnishee, or the Judgment Creditor to proceed against the Garnishee, according to the Provisions of this

Act, and he may bar the Claim of such Third Person, or make such other Order as he shall think fit, upon such Terms, in all Cases, with respect to the Lien or Charge (if any) of such Third Person, and to Costs, as he shall think just and reasonable.

234. Writs of Injunction against a Corporation may be enforced either by Attachment against the Directors or other Officers thereof, or by Writ of Sequestration against the Property and Effects of such Corporation, or of such Directors or Officers, to be issued in such Form and tested and returnable in like Manner as Writs of Execution, and to be proceeded upon and in like Manner as Writs of Sequestration issuing out of the Court of Chancery.

Mode of enforcing Writs of Injunction against Corporations.
23 & 24 Vict. c. 126. s. 33.

And with respect to the Assignment and Suggestion of Breaches on Covenants and Agreements for Payment of any penal Sum, be it enacted as follows:

Assignment of Breaches.

235. In any Action on any Bond, Covenant, or Agreement for Payment of any penal Sum for Nonperformance of Covenant or Agreement contained in any Deed or Writing, and whether accompanied by Warrant of Attorney or not, the Plaintiff may, in the Declaration, assign One or more than One Breach of such Covenant or Agreement.

Assignment of Breaches on Penal Covenant.
16 & 17 Vict. c. 113. s. 145.

236. In all such Actions as last aforesaid, the Jury or the Master shall ascertain the Damages in respect of such Breach or Breaches as shall be proved or admitted, and Judgment shall be entered for the full Amount of such Penalty, with an Award of the Payment of the Damages assessed, if any; and in case the Defendant shall pay into Court to the Credit of the Cause the Damages so assessed by the Jury or the Master, with the Costs of Suit, a Stay of Execution shall be entered on the Record of such Judgment far that Time; and in case the Plaintiff shall be paid or satisfied the said Damages so assessed, or the Penal Sum aforesaid, at the Election of the Defendant, with the Costs of Suit aforesaid, and of Execution, the Defendant shall be discharged from such Execution entirely, or for that Time, and for the Amount so paid, according as the Case may be, and such Discharge may be entered on the Record of the said Judgment; but in case the said Damages do not amount to the said Penal Sum such Judgment shall still remain in full Force as a further Security to answer the Plaintiff, his Executors and Administrators, all such Damages as may be afterwards sustained by reason of any further Breach of any Covenant or Agreement in the said Deed or Writing, as far as the Remainder of such penal Sum, after the Payment of the Damages formerly recovered out of the same, will reach.

Damages on Breaches to be ascertained.
16 & 17 Vict. c. 113. s. 146.

Suggestion of further Breaches and Execution on same. 16 & 17 Vict. c. 113. s. 147.

237. In all such Actions as last aforesaid, in case Judgment shall pass for the Plaintiff, and the full Amount thereof, and the Costs of Suit shall not have been paid or levied, and afterwards any further Breach or Breaches shall happen, the Plaintiff shall be at liberty to file One or more than One Suggestion of such Breaches in the Form No. 8, in the Schedule (A.) to this Act annexed, or to the like Effect, and such Suggestion shall be pleaded to, and the Truth of the Matters therein suggested shall be tried, and Damages awarded, and Judgment and Execution shall be given, in like Manner as if the same were on Writ and Declaration; and upon Payment or Satisfaction of such further Damages and Costs, further Proceedings shall be stayed for that Time, and so from Time to Time, as often as occasion may require, on every new Breach the said Judgment may be resorted to, so far as aforesaid, and no further; and upon Payment or Satisfaction made to the full Amount of said penal Sum and Costs as aforesaid, the said Defendant, his Body, Lands, and Goods, shall be discharged of all Execution in respect of the same.

Proceedings to revive.

And with respect to Proceedings for the Revival of Judgments and other Proceedings by and against Persons not Parties to the Record, be it enacted as follows:

Execution in Six Years without Revival. 15 & 16 Vict. c. 76. s. 128.

238. Writs of Execution may be issued, at any Time within Six Years after the Recovery of the Judgment, by or against the Plaintiffs or Defendants, or the Survivors of them, without any Revival of such Judgment.

Judgment to be revived by Writ or with Leave of Court or Judge by Suggestion. 15 & 16 Vict. c. 76. s. 129.

239. In Cases where it shall become necessary to revive a Judgment by reason either of Lapse of Time, or of a Change by Death, or otherwise, of the Parties entitled or liable to Execution, the Party alleging himself to be entitled to Execution may either sue out a Writ of Revivor in the Form herein-after mentioned, or apply to the Court or a Judge for Leave to enter a Suggestion upon the Roll, to the Effect that it manifestly appears to the Court that such Party is entitled to have Execution of the Judgment and to issue Execution thereupon; such Leave to be granted by the Court or a Judge upon a Rule to show Cause, and which Rule may be in the Form contained in the Schedule (A.) to this Act annexed marked No. 9, or to the like Effect.

Proceedings upon Application for Suggestion to revive Judgment. 15 & 16 Vict. c. 76. s. 130.

240. Upon such Application, in case it manifestly appears that the Party making the same is entitled to Execution, the Court or Judge shall allow such Suggestion as aforesaid to be entered in the Form contained in the Schedule (A.) to this Act annexed, marked No. 10, or to the like Effect, and Execution to issue thereupon, and shall order, whether or not the Costs of such Application shall be paid to the Party making the same, and in case the said Costs shall be so ordered to the Party making the Application, they shall be Costs in the Cause; and in case it does not manifestly so appear, the Court or Judge shall discharge the Rule with or without Costs: Provided, nevertheless, that in such last-mentioned Case the Party making such Application shall be at liberty to proceed by Writ of Revivor or Action upon the Judgment.

241. In any Action on a Judgment, or in any Proceeding by Writ of Revivor to revive a Judgment, or to have Execution for the Sum remaining due and unsatisfied on Foot of such Judgment, if the Defendant has paid the Money due on such Judgment or the Balance claimed on Foot of the same, such Payment shall and may be pleaded in bar of any such Action or Proceeding by Writ of Revivor.

Plea of Payment of Judgment. 16 & 17 Vict. c. 113. s. 152.

242. The Writ of Revivor shall be directed to the Party called upon to show cause why Execution should not be awarded, and shall bear Teste on the Day of its issuing; and, after reciting the Reason why such Writ has become necessary, it shall call upon the Party to whom it is directed to appear, within Eight Days after Service thereof, in the Court out of which it issues, to show cause why the Party at whose Instance such Writ has been issued should not have Execution against the Party to whom such Writ is directed for the Amount claimed to be due, and it shall give Notice that, in default of Appearance, the Party issuing such Writ may proceed to Execution for such Amount, together with the Costs of such Proceedings; and such Writ may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 11, or to the like Effect, and may be served in any County, and otherwise proceeded upon, whether in Term or Vacation, in the same Manner as a Writ of Summons; and the Venue in a Declaration upon such Writ may be laid in any County; and the Pleadings and Proceedings thereupon, and the Rights of the Parties respectively to Costs, shall be the same as in an ordinary Action.

Writ of Revivor, and Proceedings thereon. 15 & 16 Vict. c. 76. s. 131.

243. All Writs of Scire facias issued out of any of the Superior Courts of Law at Dublin against Bail on a Recognizance; against Members of a Joint Stock Company or other Body, upon a Judgment recorded against a Public Officer or other Person sued as representing such Company or Body, or against such Company or Body itself; by or against a Husband to have Execution of a Judgment for or against a Wife; for Restitution after a Reversal in Error; or for the Recovery of Land taken under an Elegit; or for

Writs of Scire facias in other Cases to be tested, directed, and proceeded upon in like Manner. 15 & 16 Vict. c. 76. s. 132. 17 & 18 Vict. c. 125. s. 91.

for Execution upon a Judgment of Assets in futuro, shall be tested, directed, and proceeded upon in like Manner as Writs of Revivor.

Appearance to Writ of Revivor. 15 & 16 Vict. c. 76. s. 133.

244. Notice in Writing to the Plaintiff, his Attorney or Agent, shall be sufficient Appearance to a Writ of Revivor.

As to Issue of Writ ot Revivorupon Judgment more than Ten Years old. 15 & 16 Vict. c. 76. s. 134.

245. A Writ of Revivor to revive a Judgment less than Ten Years old shall be allowed without any Rule or Order; if more than Ten Years old, not without an Order of the Court or a Judge, nor, if more than Fifteen, without a Rule to show Cause.

Satisfaction of Judgments.

And with respect to the Satisfaction of Judgments, be it enacted as follows:

Satisfaction of Judgments by Party. 16 & 17 Vict. c. 113. s. 143.

246. When any Party who shall have recovered Judgment in any of the said Courts, or his personal Representative or legal Assignee shall be willing to cause an Entry of Satisfaction thereof or a Memorandum of part Payment to be entered on the Record, such Party shall execute a Satisfaction Piece according to the Form No. 12. in the Schedule (A.) to this Act annexed (which Satisfaction Piece shall not be subject to any Stamp Duty); and such Satisfaction Piece shall be executed in the Presence of One Witness who shall attest by Affidavit the Execution of the same; and thereupon it shall be lawful for any Attorney of the said Court employed for that Purpose to require the proper Officer to enter Satisfaction or a Memorandum of part Payment on the Record of such Judgment; and such Officer shall on having such Satisfaction Piece verified as aforesaid and such Requisition lodged with him, enter such Satisfaction or a Memorandum of part Payment on the Record accordingly.

Court may order Satisfaction to be entered on Judgment fully paid. 16 & 17 Vict. c. 113. s. 144.

247. It shall be lawful for the Court or a Judge to order a Memorandum of Satisfaction to be entered upon the Record of any Judgment, Judgment Roll, or Judgment Book if it shall clearly appear to the said Court or Judge that the Debt or Damages for which the said Judgment was obtained have been fully satisfied and discharged.

Death, Marriage, and Bankruptcy.

And with respect to the Effect of Death, Marriage, and Bankruptcy upon the Proceedings in an Action, be it enacted as follows:

Action not to abate by Death. 15 & 16 Vict. c. 76. s. 135.

248. The Death of a Plaintiff or Defendant shall not cause the Action to abate, but it may be continued as herein-after mentioned.

Proceedings in case of Death of One

249. If there be Two or more Plaintiffs or Defendants, and One or more of them should die, if the Cause of such Action shall survive to the surviving Plaintiff or Plaintiffs or against the surviving Defendant or Defendants, the Action shall not be thereby abated, but such Death being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs against the surviving Defendant or Defendants.

or more of several Plaintiffs or Defendants. 15 & 16 Vict. c. 76. s. 136.

250. In case of the Death of a sole Plaintiff or sole surviving Plaintiff when the Action survives, the legal Representative of such Plaintiff may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, and the Action shall thereupon proceed; and, if such Suggestion be made before the Trial, the Truth of the Suggestion shall be tried thereat, together with the Title of the deceased Plaintiff, and such Judgment shall follow upon the Verdict, in favour of or against the Person making such Suggestion, as if such Person were originally the Plaintiff.

Proceeding in case of sole Plaintiff. 15 & 16 Vict. c. 76. s. 137.

251. In case of the Death of a sole Defendant or sole surviving Defendant, where the Action survives, the Plaintiff may make a Suggestion, either in any of the Pleadings if the Cause has not arrived at Issue, or in a Copy of the Issue, if it has so arrived, of the Death, and that a Person named therein is the Executor or Administrator of the Deceased, and may thereupon serve such Executor or Administrator with a Copy of the Writ and Suggestion and with a Notice signed by the Plaintiff or his Attorney requiring such Executor or Administrator to appear within Eight Days after Service of the Notice, inclusive of the Day of such Service, and that in default of his so doing the Plaintiff may sign Judgment against him as such Executor or Administrator; and the same Proceedings may be had and taken in case of Nonappearance after such Notice as upon a Writ against such Executor or Administrator in respect of the Cause for which the Action was brought; and in case no Pleadings have taken place before the Death, the Suggestion shall form Part of the Declaration and the Declaration and Suggestion may be served together, and the new Defendant shall plead thereto at the same Time; and in case the Plaintiff shall have declared, but the Defendant shall not have pleaded before the Death, the new Defendant shall plead at the same Time to the Declaration and Suggestion; and in case the Defendant shall have pleaded before the Death, the new Defendant shall be at liberty to plead to the Suggestion only by way of Denial, or such Plea as may be appropriate to and rendered necessary by his Character of Executor or Administrator, unless, by Leave of the Court or a Judge, he should be permitted to plead fresh Matter in answer to the Declaration; and in case the Defendant shall have pleaded before the Death, but the Pleadings shall not

Proceeding upon Death of sole or sole surviving Defendant. 15 & 16 Vict. c. 76. s. 138.

have arrived at Issue, the new Defendant, besides pleading to the Suggestion, shall continue the Pleadings to issue in the same Manner as the Deceased might have done, and the Pleadings upon the Declaration and the Pleadings upon the Suggestion shall be tried together; and in case the Plaintiff shall recover, he shall be entitled to the like Judgment in respect of the Debt or Sum sought to be recovered, and in respect of the Costs prior to the Suggestion, and in respect of the Costs of the Suggestion and subsequent thereto, he shall be entitled to the like Judgment as in an Action originally commenced against the Executor or Administrator.

Death between Verdict and Judgment. 15 & 16 Vict. c. 76. s. 139.

252. The Death of either Party between the Verdict or Nonsuit and the Judgment shall not hereafter be alleged for Error, so as such Judgment be entered within Two Terms after such Verdict or Nonsuit.

Proceedings in Case of Death after Interlocutory and before final Judgment. 15 & 16 Vict. c. 76. s. 140.

253. If the Plaintiff in any Action happen to die after an Interlocutory Judgment and before a Final Judment obtained therein, the said Action shall not abate by reason thereof, if such Action might be originally prosecuted or maintained by the Executor or Administrator of such Plaintiff; and if the Defendant die after such Interlocutory Judgment and before Final Judgment therein obtained, the said Action shall not abate, if such Action might be originally prosecuted or maintained against the Executor or Administrator of such Defendant; and the Plaintiff, or if he be dead after such Interlocutory Judgment, his Executors or Administrators, shall and may have a Writ of Revivor, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 11, or to the like Effect, against the Defendant, if living, after such Interlocutory Judgment, or if he be dead, then against his Executors or Administrators, to show cause why Damages in such Action should not be assessed and recovered by him or them; and if such Defendant, his Executors or Administrators, shall appear at the Return of such Writ, and not show or allege any Matter sufficient to arrest the Final Judgment, or shall make Default, a Writ of Inquiry of Damages shall be thereupon awarded, or the Amount for which Final Judgment is to be signed shall be referred to the Master, as herein-before provided; and upon the Return of the Writ, or Delivery of the Order with the Amount endorsed thereon to the Plaintiff, his Executors or Administrators, Final Judgment shall be given for the said Plaintiff, his Executors or Administrators, prosecuting such Writ of Revivor against such Defendant, his Executors or Administrators respectively.

254. Where an Action would, but for the Provisions of this Act, have abated by reason of the Death of either Party, and the Proceedings may be revived and continued under this Act, the Defendant or Person against whom the Action may be so continued may apply by Notice or otherwise, to compel the Plaintiff or Person entitled to proceed with the Action in the room of the Plaintiff, to proceed according to the Provisions of this Act within such Time as the Court or Judge shall order; and in default of such Proceeding, the Defendant or other Person against whom the Action may be so continued as aforesaid shall be entitled to enter a Suggestion of such Default, and of the representative Character of the Person by or against whom the Action may be proceeded with, as the Case may be, and to have Judgment for the Costs of the Action and Suggestion against the Plaintiff or against the Person entitled to proceed in his stead, as the Case may be, and in the latter Case to be levied of the Goods of the Testator or Intestate.

To compel Continuance or Abandonment of Action in case of Death. 17 & 18 Vict. c. 125. s. 92.

255. The Marriage of a Woman, Plaintiff or Defendant, shall not cause the Action to abate, but the Defendant may, notwithstanding, be proceeded with to Judgment; and such Judgment may be executed against the Wife alone, or, by Suggestion or Writ of Revivor pursuant to this Act, Judgment may be obtained against the Husband and Wife, and Execution issue thereon; and in case of a Judgment for the Wife, Execution may be issued thereupon by the Authority of the Husband, without any Writ of Revivor or Suggestion; and if in any such Action the Wife shall sue or defend by Attorney appointed by her when sole, such Attorney shall have Authority to continue the Action or Defence, unless such Authority be countermanded by the Husband, and the Attorney changed according to the Practice of the Court.

Marriage not to abate Action. 15 & 16 Vict. c. 76. s. 141.

256. The Bankruptcy or Insolvency of the Plaintiff in any Action which the Assignees might maintain for the Benefit of the Creditors shall not be pleaded in bar to such Action, unless the Assignees shall decline to continue, and give Security for the Costs thereof, upon an Order of the Court or Judge to be obtained for that Purpose, within such reasonable Time as the Court or Judge may order, but the Proceedings may be stayed until such Election is made; and in case the Assignees neglect or refuse to continue the Action, and give such Security, within the Time limited by the Order, the Defendant may within Eight Days after such Neglect or Refusal, plead the Bankruptcy or Insolvency.

Bankruptcy and Insolvency of Plaintiff, when not to abate Action. 15 & 16 Vict. c. 76. s. 142.

Arrest of Judgment and Judgment Non obstante veredicto.

And with respect to the Proceedings upon Motions to arrest the Judgment, and for Judgment Non obstante veredicto, be it enacted as follows:

Upon Motion in Arrest of Judgment, or for Judgment Non obstante veredicto, omitted Facts may by Leave of the Court be suggested. 15 & 16 Vict. c. 76. s. 143. 16 & 17 Vict. c. 113. s. 163.

257. No Judgment shall be arrested, nor shall Judgment be given Non obstante veredicto, by reason of the Non-averment of any alleged material Fact or other Cause, unless the Party insisting on the Objection shall satisfy the Court that there has been an Omission of some substantial Matter of Fact, whereby the said Party may have been prejudiced in the Merits of his Case; and in such Case the Party whose pleading is alleged or adjudged to be therein defective may, by Leave of the Court, suggest the Existence of the omitted Fact or Facts, or other Matter, which, if true, would remedy the alleged Defect; and such Suggestion may be pleaded to by the opposite Party within Eight Days after Notice thereof, or such further Time as the Court or a Judge may allow; and the Proceedings for Trial of any Issues joined upon such Pleading shall be the same as in an ordinary Action.

Judgment to follow Result of Suggestion. 15 & 16 Vict. c. 76. s. 144.

258. If the Fact or Facts suggested be admitted, or found to be true, the Party suggesting shall be entitled to such Judgment as he would have been entitled to if such Fact or Facts or Allegations had been originally stated in such Pleading and proved or admitted on the Trial, together with the Costs of and occasioned by the Suggestion and Proceedings thereon; but if such Fact or Facts be found untrue, the opposite Party shall be entitled to his Costs of and occasioned by the Suggestion and Proceedings thereon, in addition to any other Costs to which he may be entitled.

Costs of abortive Issues. 15 & 16 Vict. c. 76. s. 145.

259. Upon an Arrest of Judgment, or Judgment Non obstante veredicto, the Court shall adjudge to the Party against whom such Judgment is given, the Costs occasioned by the Trial of any Issues of Fact, arising out of the Pleading for Defect of which such Judgment is given, upon which such Party shall have succeeded; and such Cost shall be set off against any Money or Costs adjudged to the opposite Party, and Execution may issue for the Balance, if any.

Error and Appeal.

And with respect to Proceedings in Error, and on Appeal, be it enacted as follows:

Error to be brought within Six Years. 15 & 16 Vict. c. 76. s. 146.

260. No Judgment in any Cause shall be reversed or avoided for any Error or Defect therein, unless Error be commenced, or brought and prosecuted with effect, within Six Years after such Judgment signed or entered of record.

261. If any Person is or shall be entitled to bring Error as Heir or Personal Representative of any Party, Plaintiff or Defendant, such Person, may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, which Suggestion shall be embodied in the Memorandum of Error herein-after mentioned, and shall not be traversable, but shall only be subject to be set aside on Application to the Court or a Judge, on Motion, if untrue, and the like Proceedings in Error may thereupon be taken at the Suit of such legal Representative.

Error may be brought by legal Representative of a Deceased Party.
16 & 17 Vict. c. 113. s. 167.

262. If any Person that is or shall be entitled to bring Error as aforesaid is or shall be, at the Time of such Title accrued, within the Age of Twenty-one Years, Feme covert, Non compos mentis, or beyond the Seas, then such Person shall be at liberty to bring Error as aforesaid, so as such Person commences or brings and prosecutes the same with effect within Six Years after coming to or being of full Age, discovert, of sound Memory, or return from beyond the Seas; and if the opposite Party shall, at the Time of Judgment signed or entered of record, be beyond the Seas, then Error may be brought, provided the Proceedings be commenced and prosecuted with effect within Six Years after the Return of such Party from beyond the Seas.

Proviso for Disabilities.
15 & 16 Vict. c. 76. s. 147.

263. A Writ of Error shall not be necessary or used in any Cause, and the Proceeding to Error shall be a Step in the Cause, and shall be taken in manner herein-after mentioned.

Writ of Error not necessary.
15 & 16 Vict. c. 76. s. 148.

264. Either Party alleging Error in Law may deliver to the Master of the Court a Memorandum in Writing, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 13, or to the like Effect, entitled in the Court and Cause, and signed by the Party or his Attorney, alleging that there is Error in Law in the Record and Proceedings, whereupon the Master shall file such Memorandum, and deliver to the Party lodging the same a Note of the Receipt thereof; and a Copy of such Note, together with a Statement of the Grounds of Error intended to be argued, may be served on the opposite Party or his Attorney.

Error in Law how brought.
15 & 16 Vict. c. 76. s. 149.

265. Proceedings in Error in Law shall be deemed a Supersedeas of Execution from the Time of the Service of the Copy of such Note, together with the Statement of the Grounds of Error intended to be argued, until Default in putting in Bail, or an Affirmance of the Judgment, or Discontinuance of the Proceedings in Error, or until the Proceedings in Error shall be otherwise disposed of without a Reversal of the Judgment: Provided always, that if the Grounds of

Error not superseded as till Service of the Copy of the Note and Grounds of Error.
15 & 16 Vict. c. 76. s. 150.

of Error shall appear to be frivolous, the Court or a Judge, upon Motion, may order Execution to issue.

Bail in Error. 15 & 16 Vict. c. 76. s. 151.

266. Upon any Judgment hereafter to be given in any of the said Superior Courts of Common Law in any Action, Execution shall not be stayed or delayed by Proceedings in Error, or Supersedeas thereupon, without the special Order of the Court or a Judge, unless the Person in whose Name such Proceedings in Error be brought with Two or, by Leave of the Court or a Judge, more than Two sufficient Sureties, such as the Court (wherein such Judgment is or shall be given) or a Judge shall allow of, shall within Four clear Days after lodging the Memorandum alleging Error, or after the signing of the Judgment, whichever shall last happen, or before Execution executed, be bound unto the Party for whom any such Judgment is or shall be given, by Recognizance to be acknowledged in the same Court, in double the Sum adjudged to be recovered by the said Judgment (except in case of a Penalty, and in case of a Penalty in double the Sum really due, and double the Costs), to prosecute the Proceedings in Error with effect, and also to satisfy and pay (if the said Judgment be affirmed, or the Proceedings in Error be discontinued by the Plaintiff therein), all and singular the Sum or Sums of Money and Costs adjudged or to be adjudged upon the former Judgment, and all Costs and Damages to be also awarded for the delaying of Execution, and shall give Notice thereof to the Defendant in Error, or his Attorney.

Suggestions instead of Assignment of and Joinder in Error. 15 & 16 Vict. c. 76. s. 152.

267. The Assignment of and Joinder in Error in Law shall not be necessary or used, and, instead thereof, a Suggestion to the Effect that Error is alleged by the one Party and denied by the other, may be entered on the Judgment Roll in the Form contained in Schedule (A.) to this Act annexed, marked No. 14, or to the like Effect: Provided that in case the Defendant in Error intends to rely upon the Proceeding in Error being barred by Lapse of Time, or by Release of Error, or other like Matter of Fact, he may give Four Days written Notice to the Plaintiff in Error to assign Error as heretofore, instead of entering the Suggestion; and he shall, within Eight Days, plead thereto the Bar by Lapse of Time, or Release of Error, or other like Matter of Fact; and thereupon such Proceedings may be had as heretofore.

Roll to be made up and Suggestion entered by Plaintiff in Error. 15 & 16 Vict. c. 76. s. 153.

268. The Roll shall be made up, and the Suggestion last aforesaid entered by the Plaintiff in Error within Ten Days after the Service of the Note of the Receipt of the Memorandum alleging Error, or within such other Time as the Court or a Judge may order; and in default thereof, or of Assignment of Error in Cases where an Assignment is required, the Defendant in Error, his Executors or Administrators, shall be at liberty to sign Judgment of Non pros.

Error brought by One of several Persons against whom Judgment has been given.
15 & 16 Vict. c. 76. s. 154.

269. In case Error be brought upon a Judgment given against several Persons, and One or some only shall proceed in Error, the Memorandum alleging Error, and the Note of the Receipt of such Memorandum, shall state the Names of the Persons by whom the Proceedings are taken; and in case the other Persons against whom Judgment has been given decline to join in the Proceedings in Error, the same may be continued and the Suggestion last aforesaid entered, stating the Persons by whom the Proceedings are brought without any Summons and Severance, or, if such other Persons elect to join, then the Suggestion shall state them to be and they shall be deemed as Plaintiffs in Error, although not mentioned as such in the previous Proceedings.

Judgment Roll to be brought into Court instead of Transcript.
15 & 16 Vict. c. 76. s. 155.

270. Upon such Suggestion of Error alleged and denied being entered, the Cause may be set down for Argument in the Court of Error in the Manner heretofore used; and the Judgment Roll shall, without any Writ or Return, be brought by the Master into the Court of Error in the Exchequer Chamber, before the Justices or Justices and Barons, as the Case may be, of the other Two Superior Courts of Common Law, on the Day of its Sitting, at such Time as the Judges shall appoint, either in Term or in Vacation; and the Court of Error shall and may thereupon review the Proceedings, and give Judgment as they shall be advised thereon; and such Proceedings and Judgment, as altered or affirmed, shall be entered on the original Record; and such further Proceedings as may be necessary thereon shall be awarded by the Court in which the original Judgment was given: Provided, however, that in case of Error to the High Court of Parliament a Transcript of the Record shall be prepared and forwarded in the Manner heretofore used.

Jurisdiction of Courts of Error over the Proceedings.
15 & 16 Vict. c. 76. s. 156.

271. Courts of Error shall have Power to quash the Proceedings in Error in all Cases in which Error does not lie, or where they are taken against good Faith, or in any Case in which Proceedings in Error might heretofore have been quashed by such Courts; and such Courts shall in all respects have such Jurisdiction over the Proceedings as over the Proceedings in Error commenced by Writ of Error, and shall have Authority to make an Order for Payment of Interest for Delay of Execution, whether the Judgment of the Court from which Error is brought be affirmed or reversed.

Court of Error to have like Powers with Court below. 15 & 16 Vict. c. 76. s. 157.

272. Courts of Error shall in all Cases have Power to give such Judgment and award such Process as the Court from which Error is brought ought to have done, without regard to the Party alleging Error.

Proceedings in Error in Fact. 15 & 16 Vict. c. 76. s. 158.

273. Either Party alleging Error in Fact may deliver to the Master of the Court a Memorandum in Writing, in the Form contained in the Schedule (A.) to this Act annexed, marked No. 15, or to the like Effect, entitled in the Court and Cause, and signed by the Party or his Attorney, alleging that there is Error in Fact in the Proceedings, together with an Affidavit of the Matter of Fact in which the alleged Error consists; whereupon the Master shall file such Memorandum and Affidavit, and deliver to the Party lodging the same a Note of the Receipt thereof; and a Copy of such Note and Affidavit may be served on the opposite Party or his Attorney; and such Service shall have the same Effect, and the same Proceedings may be had thereafter as prior to the Commencement of the Common Law Procedure Amendment Act (Ireland), 1853, were had after the Service of the Rule for Allowance of a Writ of Error in Fact.

Plaintiff may discontinue Proceedings in Error. 15 & 16 Vict. c. 76. s. 159.

274. The Plaintiff in Error, whether in Fact or Law, shall be at liberty to discontinue his Proceedings by giving to the Defendant in Error a Notice, headed in the Court and Cause, and signed by the Plaintiff in Error or his Attorney, stating that he discontinues such Proceedings; and thereupon the Defendant in Error may sign Judgment for the Costs of and occasioned by the Proceedings in Error, and may proceed upon the Judgment on which the Error was brought.

Defendant may confess Error, and consent to Reversal of Judgment. 15 & 16 Vict. c. 76. s. 160.

275. The Defendant in Error, whether in Fact or Law, shall be at liberty to confess Error, and consent to the Reversal of the Judgment, by giving to the Plaintiff in Error a Notice, headed in the Court and Cause, and signed by the Defendant in Error or his Attorney, stating that he confesses the Error, and consents to the Reversal of the Judgment; and thereupon the Plaintiff in Error shall be entitled to and may forthwith sign a Judgment of Reversal.

Death of Plaintiff in Error no Abatement. 15 & 16 Vict. c. 76. s. 161.

276. The Death of a Plaintiff in Error after Service of the Note of the Receipt of the Memorandum alleging Error, with a Statement of the Grounds of Error, shall not cause the Proceedings to abate, but they may be continued as herein-after mentioned.

Providing for Death of One of seve-

277. In case of the Death of One of several Plaintiffs in Error, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Proceedings may thereupon be continued at the Suit of and against the surviving Plaintiff in Error as if he were the sole Plaintiff.

ral Plaintiffs in Error. 15 & 16 Vict. c. 76. s. 162.

278. In case of the Death of a sole Plaintiff or of several Plaintiffs in Error, the legal Representative of such Plaintiff or of the surviving Plaintiff may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Proceedings may thereupon be continued at the Suit of and against such legal Representative as the Plaintiff in Error; and if no such Suggestion shall be made, the Defendant in Error may proceed to an Affirmance of the Judgment according to the Practice of the Court, or take such other Proceedings thereupon as he may be entitled to.

Proceedings upon Death of sole Plaintiff or of all the Plaintiffs in Error. 15 & 16 Vict. c. 76. s. 163.

279. The Death of a Defendant in Error shall not cause the Proceedings to abate, but they may be continued as herein-after mentioned.

Death of Defendant in Error no Abatement. 15 & 16 Vict. c. 76. s. 164.

280. In case of the Death of One of several Defendants in Error, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue, and the Proceedings may be continued against the surviving Defendant.

Proceedings upon Death of One of several Defendants in Error. 15 & 16 Vict. c. 76. s. 165.

281. In case of the Death of a sole Defendant, or of all the Defendants in Error, the Plaintiff in Error may proceed upon giving Ten Days Notice of the Proceedings in Error, and of his Intention to continue the same to the Representatives of the deceased Defendants, or if no such Notice can be given, then by Leave of the Court or a Judge, upon giving such Notice to the Parties interested as he or they may direct.

Proceedings upon Death of sole Defendant or of all the Defendants in Error. 15 & 16 Vict. c. 76. s. 166.

282. The Marriage of a Woman, Plaintiff or Defendant in Error, shall not abate the Proceedings in Error, but the same may be continued in like Manner as herein-before provided with reference to the Continuance of an Action after Marriage.

Marriage not to abate Proceedings in Error. 15 & 16 Vict. c. 76. s. 167.

283. In every Rule Nisi for a new Trial or to enter a Verdict or Nonsuit, the Grounds upon which such Rule shall have been granted shall be shortly stated therein.

Grounds to be stated in Rule Nisi for new Trial. 17 & 18 Vict. c. 125. s. 33.

If Rule Nisi refused, Party may appeal
17 & 18 Vict. c. 125. s. 34.

284. In all Cases of Rules to enter a Verdict on Nonsuit upon a Point reserved at the Trial, if the Rule to show Cause be refused or granted and then discharged or made absolute, the Party decided against may appeal.

Appeal upon Rule discharged or absolute.
17 & 18 Vict. c. 125. s. 35.

285. In all Cases of Motions for a new Trial upon the Ground that the Judge has not ruled according to Law, if the Rule to show Cause be refused, or if granted be then discharged or made absolute, the Party decided may appeal, provided any One of the Judges dissent from the Rule being refused, or when granted, being discharged or made absolute, as the Case may be, or provided the Court in its Discretion think fit that an Appeal should be allowed: Provided that where the Application for a new Trial is upon Matter of Discretion only, as on the Ground that the Verdict was against the Weight of Evidence or otherwise, no such Appeal shall be allowed.

Courts of Error to be Courts of Appeal.
17 & 18 Vict. c. 125. s. 36.

286. The Court of Exchequer Chamber and the House of Lords shall be Courts of Appeal for the Purposes of this Act.

Notice of Appeal.
17 & 18 Vict. c. 125. s. 37.

287. No Appeal shall be allowed unless Notice thereof be given in Writing to the opposite Party or his Attorney, and to the Master of the Court, within Four Days after the Decision complained of, or such further Time as may be allowed by the Court or a Judge.

Bail.
17 & 18 Vict. c. 125. s. 38.

288. Notice of Appeal shall be a Stay of Execution, provided Bail to pay the Sum recovered and Costs, or to pay Costs where the Appellant was Plaintiff below, be given in like Manner and to the same Amount as Bail in Error, within Eight Days after the Decision complained of, or before Execution delivered to the Sheriff.

Form of Appeal.
17 & 18 Vict. c. 125. s. 39.

289. The Appeal herein-before mentioned shall be upon a Case to be stated by the Parties, (and in case of Difference, to be settled by the Court or a Judge of the Court appealed from,) in which Case shall be set forth so much of the Pleadings, Evidence, and the Ruling or Judgment objected to, as may be necessary to raise the Question for the Decision of the Court of Appeal.

Rule Nisi granted on Appeal, how disposed of.
17 & 18 Vict. c. 125. s. 40.

290. When the Appeal is from the Refusal of the Court below to grant a Rule to show Cause, and the Court of Appeal grant such Rule, such Rule shall be argued and disposed of in the Court of Appeal.

Judgment of Court of Appeal.
17 & 18 Vict. c. 125. s. 41.

291. The Court of Appeal shall give such Judgment as ought to have been given in the Court below, and shall have Power to remit the Cause with such Directions as they shall think proper; and all such further Proceedings may be taken thereupon as if the Judgment had been given by the Court in which the Record originated.

Powers of Court of Appeal as to Costs and otherwise.
17 & 18 Vict. c. 125. s. 42.

292. The Court of Appeal shall have Power to adjudge Payment of Costs, and to order Restitution, and they shall have the same Powers as the Court of Error in respect of awarding Process and otherwise.

Error upon Award of Trial de novo.
17 & 18 Vict. c. 125. s. 43.

293. Upon an Award of a Trial de novo by any One of the Superior Courts, or by the Court of Error, upon Matter appearing upon the Record, Error may at once be brought, and if the Judgment in such or any other Case be affirmed in Error, it shall be lawful for the Court of Error to adjudge Costs to the Defendant in Error.

Payment of Costs upon new Trial on Matter of Fact.
17 & 18 Vict. c. 125. s. 43.

294. When a new Trial is granted on the Ground that the Verdict was against Evidence, the Costs of the First Trial shall abide the Event, unless the Court shall otherwise order.

Interpleader

And with respect to Interpleader, be it enacted as follows:

Interpleader may be granted, though Titles have not a common Origin.
23 & 24 Vict. c. 126. s. 12.

295. Where an Action has been commenced in respect of a Common Law Claim for the Recovery of Money or Goods, or where Goods or Chattels have been taken or are intended to be taken in Execution under Process issued from any One of the Superior Courts, and the Defendant in such Action, or the Sheriff or other Officer has applied for Relief under the Provisions of an Act made and passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled "An Act to enable "Courts of Law to give Relief against adverse Claims made upon "Persons having no Interest in the Subject of such Claims," it shall be lawful for the Court or a Judge to whom such Application is made, to exercise all the Powers and Authorities given to them by this Act, and the herein-before mentioned Act, passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, though the Titles of the Claimants to the Money, Goods, or Chattels in question, or to the Proceeds or Value thereof have not a common Origin, but are adverse to and independent of one another.

Court or Judge may direct Sale of Goods seized in Execution.
23 & 24 Vict. c. 126. s. 13.

296. When Goods or Chattels have been seized in Execution by a Sheriff or other Officer under Process of the above-mentioned Courts, and some Third Person claims to be entitled under a Bill of or Sale otherwise to such Goods or Chattels by way of Security for a Debt, a Debt, the Court or a Judge may order a Sale of the whole or Part thereof, upon such Terms as to Payment of the whole or Part of the secured Debt or otherwise as they or he shall think fit, and may direct the Application of the Proceeds of such Sale in such Manner and upon such Terms as to such Court or Judge may seem just.

Power to Court or Judge to decide summarily in certain Cases. 23 & 24 Vict. c. 126. s. 14.

297. Upon the Hearing of any Rule or Order calling upon Persons to appear and state the Nature and Particulars of their Claims, it shall be lawful for the Court or Judge, wherever from the Smallness of the Amount in dispute or of the Value of the Goods seized, it shall appear to them or him desirable and right so to do, at the Request of either Party, to dispose of the Merits of the respective Claims of such Parties, and to determine the same in a summary Manner, upon such Terms as they or he shall think fit to impose, and to make such other Rules and Orders therein as to Costs and all other Matters as may be just.

Special Case may be stated where Facts undisputed. 23 & 24 Vict. c. 126. s. 15.

298. In all Cases of Interpleader Proceedings, where the Question is One of Law, and the Facts are not in dispute, the Judge shall be at liberty, at his Discretion, to decide the Question without directing an Action or Issue, and, if he shall think it desirable, to order that a Special Case be stated for the Opinion of the Court, and Error may be brought upon a Judgment on such Case, and the Provisions of this Act, relating to Proceedings upon Special Cases, and the bringing of Error thereon, shall extend to the Proceedings upon such Special Case and to the bringing of Error thereon.

Judgment and Decision when to be final. 23 & 24 Vict. c. 126. s. 17.

299. The Judgment in any such Action or Issue, as may be directed by the Court or a Judge in any Interpleader Proceedings, and the Decision of the Court or Judge in a summary Manner, shall be final and conclusive against the Parties, and all Persons claiming by, from, or under them.

General Provisions to apply to Interpleader. 23 & 24 Vict. c. 126. s. 16.

300. The Provisions of this Act relating to Inspection, Discovery, Appeal, and otherwise, shall extend to Interpleader Proceedings, mutatis mutandis, unless where the same shall not be applicable or where otherwise specially provided by this Act.

Rules, Orders, &c., made in Interpleader Proceedings may be entered of Record and

301. All Rules, Orders, Matters, and Decisions to be made and done in Interpleader Proceedings under this Act, may, together with the Declaration in the Cause, if any, be entered of record, with a Note in the Margin expressing the true Date of such Entry, to the end that the same may be Evidence in future Times, if required, and to secure and enforce the Payment of Costs directed by any such Rule or Order; and every such Rule or Order so entered shall have the Force and Effect of a Judgment in the Superior Courts of Common Law.

made Evidence.
23 & 24 Vict. c. 126, s. 18.

And with respect to summary Procedure upon Bills of Exchange and Promissory Notes, be it enacted as follows:

Summary Procedure upon Bills of Exchange and Promissory Notes.

302. All Actions upon Bills of Exchange or Promissory Notes commenced within Six Months after the same shall have become due and payable may be by Writ of Summons in the special Form contained in Schedule (A.) No. 16, to this Act annexed, and indorsed as therein mentioned; and it shall be lawful for the Plaintiff, on filing an Affidavit of personal Service of such Writ within the the Jurisdiction of the Court, or an Order for Leave to proceed, as herein-before provided, or in the Case of Service substituted under the Provisions of this Act, the Order directing such Substitution of Service, and an Affidavit showing that the Directions of such Affidavit have been complied with, and a Copy of the Writ of Summons and the Indorsements thereon, in case the Defendant shall not have obtained Leave to appear, and have appeared to such Writ according to the Exigency thereof, at once to sign Final Judgment in the Form in Schedule (A.), No. 17, to this Act annexed (on which Judgment no Proceeding in Error shall lie), for any Sum not exceeding the Sum indorsed on the Writ, together with Interest, at the Rate specified (if any), to the Date of the Judgment, and a Sum for Costs to be fixed by a General Order to be made as herein-after mentioned, unless the Plaintiff claim more than such fixed Sum, in which Case the Costs shall be taxed in the ordinary Way, and the Plaintiff may upon such Judgment issue Execution forthwith.

Actions upon Bills of Exchange, &c., may in certain Cases be commenced by Writ of Summons as Form in Schedule A. Plaintiff, on filing Affidavit of personal Service may at once sign Final Judgment as Form in Schedule A.
18 & 19 Vict. c. 67. s. 1.

303. The Court into which such Writ shall be returnable or a Judge shall, upon Application within the Period of Twelve Days from such Service, give Leave to appear to such Writ, and to defend the Action, on the Defendant paying into Court the Sum indorsed on the Writ, or upon Affidavits satisfactory to the Court or Judge, which disclose a legal or equitable Defence, or such Facts as would make it incumbent on the Holder to prove Consideration, or such other Facts as the Court or Judge may deem sufficient to support the Application, and on such Terms as to Security or otherwise as to the Court or Judge may seem fit.

Defendant showing a Defence upon the Merits to have Leave to appear.
18 & 19 Vict. c. 67. s. 2.

304. After Judgment, the Court or a Judge may, under special Circumstances, set aside the Judgment, and if necessary, stay or set aside the Execution, and may give Leave to appear to the Writ,

Judge may, under special Circumstances,

set aside Judgment.
18 & 19 Vict. c. 67. s. 3.

and to defend the Action, if it shall appear to be reasonable to the Court or Judge so to do, and on such Terms as to the Court or Judge may seem just.

Judge may order Bill to be deposited with Officer of Court in certain Cases.
18 & 19 Vict. c. 67. s. 4.

305. In all Cases of summary Procedure on Bills of Exchange and Promissory Notes under this Act, it shall be competent to the Court or a Judge to order the Bill or Note sought to be proceeded upon to be forthwith deposited with an Officer of the Court, and further to order that all Proceedings shall be stayed until the Plaintiff shall have given Security for the Costs thereof.

Remedy for the Recovery of Expenses of noting Non-acceptance of dishonoured Bill.
18 & 19 Vict. c. 67. s. 5.

306. The Holder of every dishonoured Bill of Exchange or Promissory Note shall have the same Remedies for the Recovery of the Expenses incurred in noting the same for Non-acceptance or Nonpayment, or otherwise, by reason of such Dishonour, as he has under this Act for the Recovery of the Amount of such Bill or Note.

Holder of Bill of Exchange may issue One Summons against all or any of the Parties to the Bill.
18 & 19 Vict. c. 67. s. 6.

307. The Holder of any Bill of Exchange or Promissory Note may, if he think fit, issue One Writ of Summons according to this Act, against all or any Number of the Parties to such Bill or Note, and such Writ of Summons shall be the Commencement of an Action or Actions against the Parties therein named respectively, and all subsequent Proceedings against such respective Parties shall be in like Manner, so far as may be, as if separate Writs of Summons had been issued.

Ejectment.

And with respect to the Action of Ejectment, be it enacted as follows:

Ejectment to be commenced by Writ of Summons.
16 & 17 Vict. c. 113. s. 114.

308. Where any Party shall claim Possession of any Lands, Tenements, or Hereditaments, and shall be desirous of proceeding by Ejectment for the Recovery of the same in any of the said Superior Courts of Common Law, such Party shall commence any Action for such Purpose by a Writ of Summons, which Writ shall be directed to the immediate Tenant or any One Tenant in possession, as Defendant, with the Addition of the Words "and all Persons concerned," and shall contain the Description of the Property sought to be recovered with reasonable Certainty, and the County and the Barony or Parish in which the same is situated.

Form and Duration of Writ of Ejectment.
15 & 16 Vict. c. 76. s. 169.

309. The Writ shall state the Names of all the Persons in whom the Title is alleged to be, and command the Persons to whom it is directed to appear within Sixteen Days after Service thereof, in the Court into which it is returnable, to defend the Possession of the Property sued for, or such Part thereof as they may think fit, and it shall contain a Notice that in default of Appearance they will be turned out of Possession; and the Writ shall bear Teste of the Day on which it is issued, and shall be in force for Three Months, and shall be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 18, or to the like Effect; and in Cases of Ejectment on the Title the Writ shall be indorsed with the Particulars of the Sum (if any) claimed as Damages for the Loss of the Mesne Rates and Profits of the Lands sought to be recovered; and in Cases of Ejectment for Nonpayment of Rent such Writ shall be indorsed with full Particulars of the Rent due, and of all Credits to which the Defendant shall be justly entitled; and the Name and Abode of the Attorney issuing the same, or, if no Attorney, the Name and Residence of the Party shall be indorsed thereon, in like Manner as herein-before enacted with reference to the Indorsements on a Writ of Summons in a Personal Action; and the same Proceedings may be had to ascertain whether the Writ was issued by the Authority of the Attorney whose Name was indorsed thereon, and who and what the Claimants are, and their Abode, and as to staying the Proceedings upon Writs issued without Authority, as in the Case of Writs in Personal Actions.

Summons of Ejectment for Nonpayment of Rent upon whom to be served.

310. The Writ of Summons in Ejectment for Nonpayment of Rent shall be served on the Tenant sought to be evicted, and on every Person in possession or in receipt of the Rents and Profits of the Land sought to be recovered, or any Part thereof, and also on any Mortgagee of such Lands, whose Mortgage shall have been registered within Six Calendar Months from the Perfection thereof, and also on the Assignee of any such Mortgagee, whose Assignment shall have been in like Manner registered, and upon such other Person or Persons as shall be directed by General Orders to be made in the Manner herein-after provided.

Service of Writ of Ejectment. 15 & 16 Vict. c. 76. s. 170.

311. The Writ shall be served in the same Manner as an Ejectment has heretofore been served, or in such Manner as shall be directed by General Orders to be made in the Manner herein-after provided; and the Court or Judge may, in relation to the Service of such Writ, exercise such or the like Powers as are contained in the Sixteenth, Seventeenth, Eighteenth, and Nineteenth Sections of this Act, in relation to the Service of Writs in Personal Actions.

Appearance of Persons named in the Writ. 15 & 16 Vict. c. 76. s. 171.

312. The Persons named as Defendants in such Writ, or any of them, shall be allowed to appear within the Time appointed.

Appearance of Persons not named.

313. Any other Person not named in such Writ shall, by Leave of the Court or a Judge, be allowed to appear and defend, on filing

15 & 16 Vict. c. 76. s. 172.

filing an Affidavit showing that he is in possession of the Land either by himself or his Tenant.

Appearance and Defence by Landlord. 15 & 16 Vict. c. 76. s. 173.

314. Any Person appearing to defend as Landlord in respect of Property whereof he is in possession only by his Tenant, shall state in his Appearance that he appears as Landlord; and such Person shall be at liberty to set up any Defence which a Landlord appearing in an Action of Ejectment has heretofore been allowed to set up, and not other.

Notice to defend for Part only. 15 & 16 Vict. c. 76. s. 174.

315. Any Person appearing to such Writ shall be at liberty to limit his Defence to a Part only of the Property mentioned in the Writ, describing that Part with reasonable Certainty in a Notice intituled in the Court and Cause, and signed by the Party appearing or his Attorney; such Notice to be served within Four Days after Apearance upon the Attorney whose Name is indorsed on the Writ, if any, and if none, then to be filed in the Master's Office; and an Appearance without such Notice confining the Defence to Part shall be deemed an Appearance to defend for the whole; but a Defence to an Ejectment for Nonpayment of Rent shall be a Defence for all the Lands in the Writ of Summons mentioned, and in case a Defendant shall desire to take Defence for Part only of the Lands, upon the Ground that such Part was not included in the Estate or Interest sought to be evicted, he shall make a special Application to the Court for that Purpose.

Want of Certainty cured by Particulars. 15 & 16 Vict. c. 76. s. 175.

316. Want of "reasonable Certainty" in the Description of the Property, or Part of it, in the Writ or Notice, shall not nullify them, but shall only be Ground for an Application to the Court or a Judge for better Particulars of the Land claimed or defended, which the Court or a Judge shall have Power to give in all Cases.

Defence by Persons not in possession. 15 & 16 Vict. c. 76. s. 176.

317. The Court or a Judge shall have Power to strike out or confine Appearances and Defences set up by Persons not in possession by themselves or their Tenants.

Judgment for Default of Appearance or Defence. 15 & 16 Vict. c. 76. s. 177.

318. In case no Appearance shall be entered within the Time appointed, or if an Appearance be entered, but the Defence be limited to Part only, the Plaintiffs shall be at liberty to sign a Judgment that the Person whose Title is asserted in the Writ shall recover Possession of the Land, or of the Part thereof to which the Defence does not apply; which Judgment, if for all, may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 19, or to the like Effect, and if for Part, may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 20, or to the like Effect.

319. In case an Appearance shall be entered, an Issue may at once be made up, without any Pleadings, by the Claimants or their Attorney, setting forth the Writ, and stating the Fact of the Appearance, with its Date, and the Notice limiting the Defence, if any, of each of the Persons appearing, so that it may appear for what Defence is made, and directing the Sheriff to summon a Jury; and such Issue, in case Defence is made for the whole, may be in the Form contained in Schedule (A.) to this Act annexed, marked No. 21, or to the like Effect, and in case Defence is made for Part, may be in the Form contained in the Schedule (A.) to this Act annexed, marked No. 20, or to the like Effect.

Issue how made up.
15 & 16 Vict. c. 76. s. 178.

320. By Consent of the Parties, and by Leave of the Court or a Judge, a Special Case may be stated according to the Practice heretofore prescribed in reference to Personal Actions.

Special Case may be stated.
15 & 16 Vict. c. 76. s. 179.

321. The Claimants may, if no Special Case be agreed to, proceed to Trial upon the Issue, in the same Manner as in other Actions; and the Particulars of the Claim and Defence, if any, or Copies thereof, shall be annexed to the Record by the Claimants; and the Question at the Trial shall, except in the Cases hereafter mentioned, be, whether the Statement in the Writ of the Title of the Claimants is true or false, and if true, then which of the Claimants is entitled, and whether to the whole or Part, and if to Part, then to which Part of the Property in question, and whether to any, and if any, to what Damages, by way of Compensation, for Loss of Mesne Rates and Property; and upon the Trial of an Ejectment for Non-payment of Rent, the Amount of the Rent due to the Plaintiff shall be found by the Jury, and the Entry of the Verdict may be made in the Form contained in the Schedule (A.) to this Act annexed, marked No. 22, or to the like Effect, with such Modifications as may be necessary to meet the Facts.

Trial of Issue.
15 & 16 Vict. c. 76. s. 801.

322. In case the Title of the Claimant shall appear to have existed as alleged in the Writ, and at the Time of Service thereof, but it shall also appear to have expired before the Time of Trial, the Claimant shall, notwithstanding, be entitled to a Verdict according to the Fact that he was so entitled at the Time of bringing the Action and serving the Writ, and to a Judgment for his Cost of Suit.

Verdict when Title appears to have expired before Trial.
15 & 16 Vict. c. 76. s. 181.

Trial may be ordered to take place in any County. 15 & 16 Vict. c. 76. s. 182.

323. The Court or a Judge may, on the Application of either Party, order that the Trial shall take place in any County or Place other than that in which the Venue is laid; and such Order being suggested on the Record, the Trial may be had acordingly.

Non-appearance at Trial. 15 & 16 Vict. c. 76. s. 13.

324. If the Defendant appears, and the Claimant does not appear at the Trial, the Claimant shall be nonsuited; and if the Claimant appears, and the Defendant does not appear, the Claimant shall be entitled to recover as heretofore, without any Proof of his Title; and in case of Ejectment on the Title, shall be entitled to prove the Amount of Damages sustained by reason of the Loss of the Mesne Rates and Profits; and in case of an Ejectment for Nonpayment of Rent, shall be entitled to prove the Amount of Rent actually due, and to have a Verdict for the same.

Mesne Rates may be recovered by Ejectment to the Day of Trial.

325. In all such Ejectments as herein-after mentioned the Jury shall be at liberty to give Compensation for the Loss of Mesne Rates and Profits in Ejectments on the Title in which Mesne Rates are claimed from the Commencement of the Action, and in Ejectments for Nonpayment of Rent, from the Day up to which the Rent claimed by the Ejectment accrued due, and in both Cases down to the Day of Trial.

Ascertainment of Rent. 16 & 17 Vict. c. 113. s. 206.

326. In Ejectment for Nonpayment of Rent, where Judgment shall have gone by Default, or the Defendant shall not appear at the Trial, it shall be sufficient for the Purpose of ascertaining the Amount the Rent due, and to satisfy the Provisions of the Statutes with respect to the ascertaining the Rent, that an Affidavit of the Plaintiffs, or One of them, or their or his Agent, to the Effect that an Amount of Rent not less than One Year's Rent, and specifying the same was due at the Time of the Commencement of the Action, after all just Allowances shall have been made.

Special Verdict and Bill of Exceptions. 15 & 16 Vict. c. 76. s. 184.

327. The Jury may find a Special Verdit, or either Party may tender a Bill of Exceptions.

Judgment and Execution upon Finding for Claimant. 16 & 17 Vict. c. 113. c. 207.

328. Upon a Finding for the Claimant, Judgment may be signed and Execution issued for the Recovery of Possession of the Property, or such Part thereof as the Jury shall find the Claimant entitled to, and in case of Ejectment on the Title for such Damages for Loss of Mesne Rates and Profits as shall be found by the said Jury, and in case of Ejectment for Nonpayment of Rent for Recovery of so much Rent as shall be found to be due, and Costs, within such Time, not exceeding the Fifth Day in Term after the Verdict, as the Court or Judge, before whom the Cause is tried, shall order, and if no such Order be made, then on the Fifth Day in Term after the Verdict, or within Fourteen Days after such Verdict, whichever shall first happen.

Judgment upon Finding for Defendant.
15 & 16 Vict. c. 76. s. 186.

329. Upon a Finding for the Defendants, or any of them, or upon a Nonsuit, Judgment may be signed and Execution issued for Costs against the Claimants named in the Writ, within such Time not exceeding the Fifth Day in Term after the Verdict or Nonsuit, as the Court or Judge before whom the Cause is tried shall order; and if no such Order be made, then on the Fifth Day in Term after the Verdict or Nonsuit, or within Fourteen Days after such Verdict or Nonsuit, whichever shall first happen.

Execution for Recovery of Possession and Costs may be joint and separate.
16 & 17 Vict. c. 113. s. 209.

330. Upon any Judgment in Ejectment there may be either One or separate Writs of Execution for the Recovery of the Possession and for the Damages or the Rent ascertained to be due, and Costs, at the Election of the Claimant.

Defence by Joint Tenants, Tenants in Common, Coparceners.
15 & 16 Vict. c. 76. s. 188.

331. In case of such an Action being brought by some or One of several Persons entitled as Joint Tenants, Tenants in Common, or Coparceners, any Joint Tenant, Tenant in Common, or Coparcener in Possession may, at the Time of Appearance, or within Four Days after, give Notice, in the same Form as in the Notice of a limited Defence, that he or she defends as such, and admits the Right of the Claimant to an undivided Share of the Property (stating what Share), but denies any actual Ouster of him from the Property, and may, within the same Time, file an Affidavit stating with reasonable Certainty that he or she is such Joint Tenant, Tenant in Common, or Coparcener, and the Share of such Property to which he or she is entitled, and that he or she has not ousted the Claimant; and such Notice shall be entered in the Issue in the same Manner as the Notice limiting the Defence, and upon the Trial of such an Issue the additional Question of whether an actual Ouster has taken place shall be tried.

Trial and Judgment in Ejectment against Joint Tenants, Tenants in Common, and Coparceners.
15 & 16 Vict. c. 76. s. 189.

332. Upon the Trial of such Issue as last aforesaid, if it shall be found that the Defendant is Joint Tenant, Tenant in Common, or Coparcener with the Claimant, then the Question whether an actual Ouster has taken place shall be tried, and unless such actual Ouster shall be proved the Defendant shall be entitled to Judgment and Costs; but if it shall be found either that the Defendant is not such Joint Tenant, Tenant in Common, or Coparcener, or that an Ouster has taken place, then the Claimant shall be entitled to such Judgment for the Recovery of Possession and Costs.

Claimant in Second Ejectment for same Premises against same Defendant may be ordered to give Security for Costs. 17 & 18 Vict. c. 125. s. 93.

333. If any Person shall bring an Action of Ejectment after a prior Action of Ejectment for the same Premises has been or shall have been unsuccessfully brought by such Person, or by any Person through or under whom he claims against the same Defendant, or against any Person through or under whom he defends, the Court or a Judge may, if they or he think fit, on the Application of the Defendant at any Time after such Defendant has appeared to the Writ, order that the Plaintiff shall give to the Defendant Security for the Payment of the Defendant's Costs, and that all further Proceedings in the Cause shall be stayed until such Security be given, whether the prior Action has been or shall have been disposed of by Discontinuance, or by Nonsuit, or by Judgment for the Defendant.

Action not to abate by Death. 15 & 16 Vict. c. 76. s. 190.

334. The Death of a Claimant or Defendant shall not cause the Action to abate, but it may be continued, as herein-after mentioned.

Proceeding upon Death before Trial where Right survives. 15 & 16 Vict. c. 76. s. 191.

335. In case the Right of the deceased Claimant shall survive to another Claimant, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Action may proceed at the Suit of the surviving Claimant; and if such a Suggestion shall be made before the Trial, then the Claimant shall have a Verdict and recover such Judgment as aforesaid, upon its appearing that he was entitled to bring the Action either separately or jointly with the deceased Claimant.

Proceedings upon Death before Trial where Right does not survive. 15 & 16 Vict. c. 76. s. 192.

336. In case of the Death before Trial of One of several Claimants, whose Right does not survive to another or others of the Claimants, where the legal Representative of the deceased Claimant shall not become a Party to the Suit in the Manner herein-after mentioned, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the Action may proceed at the Suit of the surviving Claimant for such Share of the Property as he is entitled to, and Costs.

Proceeding upon Death of One of several Claimants having obtained a Verdict. 15 & 16 Vict. c. 76. s. 193.

337. In case of a Verdict for Two or more Claimants, if One of such Claimants die before Execution executed, the other Claimant may, whether the legal Right to the Property shall survive or not, suggest the Death in manner aforesaid, and proceed to Judgment and Execution for Recovery of Possession of the Entirety of the Property and the Costs; but nothing herein contained shall affect the Right of the legal Representative of the deceased Claimant, or the Liability of the surviving Claimant to such legal Representative; and the Entry and Possession of such surviving Claimant under such Execution shall be considered as an Entry and Possession on behalf of such legal Representative in respect of the Share of the Property to which he shall be entitled as such Representative, and the Court may direct Possession to be delivered accordingly.

Proceedings in case of Death of Claimant where Right does not survive. 15 & 16 Vict. c. 76. s. 194.

338. In case of the Death of a sole Claimant, or, before Trial, of One of several Claimants, whose Right does not survive to another or others of the Claimants, the legal Representative of such Claimant may, by Leave of the Court or a Judge, enter a Suggestion of the Death, and that he is such legal Representative, and the Action shall thereupon proceed; and if such Suggestion be made before the Trial, the Truth of the Suggestion shall be tried thereat, together with the Title of the deceased Claimant, and such Judgment shall follow upon the Verdict in favour of or against the Person making such Suggestion, as herein-before provided with reference to a Judgment for or against such Claimant; and in case such Suggestion in the Case of a sole Claimant be made after Trial and before Execution executed by Delivery of Possession thereupon, and such Suggestion being denied by the Defendant within Eight Days after Notice thereof, or such further Time as the Court or a Judge may allow, then such Suggestion shall be tried; and if, upon the Trial thereof, a Verdict shall pass for the Person making such Suggestion, he shall be entitled to such Judgment as aforesaid for the Recovery of Possession, and for the Costs of and occasioned by such Suggestion; and in case of a Verdict for the Defendant such Defendant shall be entitled to such Judgment as aforesaid for Costs; and in case the said Suggestion shall not be denied within the Time aforesaid, the said personal Representative, on producing an Affidavit of the Service of the Notice, shall be entitled to proceed to Judgment and Execution in his own Name.

Proceedings upon Death of One of several Joint Defendants. 15 & 16 Vict. c. 76. s. 195.

339. In case of the Death, before or after Judgment, of One of several Defendants in Ejectment who defend jointly, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue, and the Action may proceed against the surviving Defendant to Judgment and Execution.

Upon Death of all the Defendants in Ejectment before Trial. 15 & 16 Vict. c. 76. s. 196.

340. In case of the Death of a sole Defendant, or of all the Defendants in Ejectment, before Trial, a Suggestion may be made of the Death, which Suggestion shall not be traversable, but only be subject to be set aside if untrue; and the Claimants shall be entitled to Judgment for Recovery of Possession of the Property, unless some other Person shall appear and defend within the Time to be appointed for that Purpose by the Order of the Court or a Judge, to be made upon the Application of the Claimants; and it shall be lawful for the Court or a Judge, upon such Suggestion being made and upon such Application as aforesaid, to order that the Claimants shall be at liberty to sign Judgment within such Time as the Court or Judge may think fit, unless the Person then in possession, by himself or his Tenant, or the legal Representative of the deceased Defendant, shall within such Time appear and defend the Action; and such Order may be served in the same Manner as the Writ; and in case such Person shall appear and defend the same, Proceedings may be taken against such new Defendant as if he had originally appeared and defended the Action; and if no Appearance be entered and Defence made, then the Claimant shall be at liberty to sign Judgment pursuant to the Order.

Upon Death of all Defendants in Ejectment after Verdict. 15 & 16 Vict. c. 76. s. 197.

341. In case of the Death of a sole Defendant or of all the Defendants in Ejectment after Verdict, the Claimants shall nevertheless be entitled to Judgment as if no such Death had taken place, and to proceed by Execution for Recovery of Possession without Suggestion or Revivor, and to proceed for the Recovery of the Costs, in like Manner as upon any other Judgment for Money, against the legal Representatives of the deceased Defendant or Defendants.

Upon Death before Trial of Defendant in Ejectment, who defends separately for Part. 15 & 16 Vict. c. 76. s. 198.

342. In case of the Death before Trial of One of several Defendants in Ejectment, who defends separately for a Portion of the Property for which the other Defendant or Defendants do not defend, the same Proceedings may be taken as to such Portion as in the Case of the Death of a sole Defendant, or the Claimants may proceed against the surviving Defendants in respect of the Portion of the Property for which they defend.

Upon Death of Defendant defending separately for Property in respect of which others also defend. 15 & 16 Vict. c. 76. s. 199.

343. In case of the Death before Trial of One of several Defendants in Ejectment, who defends separately in respect of Property for which surviving Defendants also defend, it shall be lawful for the Court or a Judge at any Time before the Trial to allow the Person at the Time of the Death in possession of the Property, or the legal Representative of the deceased Defendant, to appear and defend, on such Terms as may appear reasonable and just, upon the Application of such Person or Representative; and if no such Application be made or Leave granted, the Claimant, suggesting the Death in Manner aforesaid, may proceed against the surviving Defendant or Defendants to Judgment and Execution.

344. The Claimant in Ejectment shall be at liberty at any Time to discontinue the Action as to One or more of the Defendants, by giving to the Defendant or his Attorney a Notice headed in the Court and Cause, and signed by the Claimant or his Attorney, stating that he discontinues such Action; and thereupon the Defendant to whom such Notice is given shall be entitled to and may forthwith sign Judgment for Costs in the Form contained in the Schedule (A.) to this Act annexed, marked No. 23, or to the like Effect.

Claimant may discontinue by Notice.
15 & 16 Vict. c. 76. s. 200.

345. In case One of several Claimants shall be desirous to discontinue, he may apply to the Court or a Judge to have his Name struck out of the Proceedings, and an Order may be made thereupon upon such Terms as to the Court or Judge may seem fit, and the Action shall thereupon proceed at the Suit of the other Claimants.

Discontinuance of Action by One of several Claimants.
15 & 16 Vict. c. 76. s. 201.

346. If after Appearance entered the Claimant, without going to the Trial, allow the Time allowed for going to Trial by the Practice of the Court in ordinary Cases after Issue joined to elapse the Defendant in Ejectment may give Twenty Days Notice to the Claimant to proceed to Trial at the Sittings or Assizes next after the Expiration of the Notice; and if the Claimant afterwards neglects to give Notice of Trial for such Sittings or Assizes, or to proceed to Trial in pursuance of the said Notice given by the Defendant, and the Time for going to Trial shall not be extended by the Court or a Judge, the Defendant may sign Judgment in the Form contained in the Schedule (A.) to this Act annexed, marked No. 24, and recover the Costs of Defence.

Judgment for not proceeding to Trial after Notice.
15 & 16 Vict. c. 76. s. 202.

347. A sole Defendant or all the Defendants in Ejectment shall be at liberty to confess the Action as to the whole or Part of the Property, by giving to such Claimant a Notice headed in the Court and Cause, and signed by the Defendant or Defendants, such Signature to be attested by his or their Attorney; and thereupon the Claimant shall be entitled to and may forthwith sign Judgment and issue Execution for the Recovery of Possession and Costs in the Form in the Schedule (A.) to this Act annexed, marked No. 25, or to the like Effect.

Defendant may confess the Action.
15 & 16 Vict. c. 76. s. 203.

348. In case One of several Defendants in Ejectment, who defends separately for a Portion of the Property for which the other Defendant or Defendants do not defend, shall be desirous of confessing the Claimant's Title to such Portion, he may give a like Notice to the Claimant; and thereupon the Claimant shall be entitled

Confession by One of several Defendants defending separately for Part.
15 & 16 Vict. c. 76 s. 204.

entitled to and may forthwith sign Judgment and issue Execution for the Recovery of Possession of such Portion of the Property, and for the Costs occasioned by the Defence relating to the same, and the Action may proceed as to the Residue.

Confession by One of several Defendants who defend for same Property. 15 & 16 Vict. c. 76. s. 205.

349. In case One of several Defendants in Ejectment, who defends separately in respect of Property for which other Defendants also defend, shall be desirous of confessing the Claimant's Title, he may give a like Notice thereof; and thereupon the Claimant shall be entitled to and may sign Judgment against such Defendant for the Costs occasioned by his Defence, and may proceed in the Action against the other Defendants to Judgment and Execution.

Court or a Judge may, in Action of Ejectment on the Title, direct Temporary Bars to be waived. 19 & 20 Vict. c. 113. s. 89.

350. It shall and may be lawful for the Court or a Judge in any Action of Ejectment on the Title, to be commenced after the passing of this Act, to make an Order directing temporary Bars to be waived and the real Title tried in such Ejectment, in any Case in which it shall be made to appear to the Satisfaction of such Court or Judge that a Decree or Decretal Order to the same Effect would be pronounced by the Court of Chancery upon a Bill or Cause Petition filed for the Purpose of having temporary Bars waived, but upon such Terms or Conditions as to the said Court or Judge shall seem just.

Effect of Judgment. 15 & 16 Vict. c. 76. s. 207.

351. The Effect of a Judgment in an Action of Ejectment under this Act shall have no greater Effect than a Judgment in Ejectment before the passing of an Act made in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act for the Regulation of "Process and Practice in the Superior Courts of Common Law in "Ireland."

Error and Bail in Error in Ejectment. 15 & 16 Vict. c. 76. s. 208.

352. Error may be brought in like Manner as in other Actions upon any Judgment in Ejectment, after a Special Verdict found by the Jury, or a Bill of Exceptions, or by Consent after a Special Case stated, but, except in the Case of such Consent as aforesaid, Execution shall not be thereby stayed, unless the Plaintiff in Error shall, within Four clear Days after lodging the Memorandum alleging Error, or after the signing of the Judgment, whichever shall last happen, or before Execution executed, be bound unto the Claimant who shall have recovered Judgment in such Action of Ejectment in double the yearly Value of the Property and double the Costs recovered by the Judgment, with Condition that if the Judgment shall be affirmed by the Court of Error or the Proceedings in Error be discontinued by the Plaintiff therein, then the Plaintiff in Error shall pay such Costs, Damages, and Sum or Sums of Money as shall be awarded upon or after such Judgment affirmed or Discontinuance; and it shall be lawful for the Court wherein Execution ought to be granted upon such Affirmation or Discontinuance upon the Application of the Claimant to issue a Writ to inquire as well of the Mesne Profits as of the Damage by any Waste committed after the First Judgment in Ejectment, which Writ may be tested on the Day on which it shall issue and be returnable immediately after the Execution thereof, and upon the Return thereof Judgment shall be given and Execution awarded for such Mesne Profits and Damages, and also for Costs of Suit.

On Trials after Bail found, Judge shall not stay the Execution except by Consent, or on Tenants finding Security. 15 & 16 Vict. c. 76. s. 215.

353. In all Cases in which such Security shall have been given as provided by the Seventy-fifth Section of the Landlord and Tenant Amendment Act (Ireland), 1860, if upon the Trial a Verdict shall pass for the Claimant, unless it shall appear to the Judge before whom the same shall have been had that the Finding of the Jury was contrary to the Evidence, or that the Damages given were excessive, such Judge shall not, except by Consent, make any Order to stay Judgment or Execution, except on condition that within Four Days from the Day of the Trial the Defendant shall actually find Security, by the Recognizance of himself and Two sufficient Sureties, in such reasonable Sum as the Judge shall direct, conditioned not to commit any Waste, or Act in the Nature of Waste, or other wilful Damage, and not to sell or carry off any standing Crops which may happen to be thereupon, from the Day on which the Verdict shall have been given to the Day on which Execution shall finally be made upon the Judgment, or the same be set aside, as the Case may be: Provided always, that the Recognizance last above mentioned shall immediately stand discharged and be of no effect in case Proceedings in Error shall be brought upon such Judgment, and the Plaintiff in Error shall become bound in the Manner herein-before provided.

Bail in Error to discharge such Security.

Recognizances to be taken as other Recognizances of Bail; Actions on them limited. 15 & 16 Vict. c. 76. s. 216.

354. All Recognizances and Securities entered into as last aforesaid may and shall be taken respectively in such Manner and by and before such Persons as are provided and authorized in respect of Recognizances of Bail upon Actions and Suits depending in the Court in which any such Action of Ejectment shall have been commenced; and the Officer of the same Court with whom Recognizances of Bail are filed shall file such Recognizances and Securities for which respectively the Sum of Two Shillings and Sixpence, and no more, shall be paid; but no Action or other Proceeding shall be commenced upon any such Recognizance or Security after the

Expiration of Six Months from the Time when Possession of the Premises or any Part thereof shall actually have been delivered to the Landlord.

Saving of former Remedies 15 & 16 Vict. c. 76. s. 218.

355. Nothing herein contained shall be construed to prejudice or affect any other Right of Action or Remedy which Landlords may possess in any of the Cases herein-before provided for, otherwise than as herein-before expressly enacted.

In Ejectment by Mortgagee, the Mortgagor's rendering the Principal, Interest, and Costs in Court shall be deemed a full Satisfaction, and the Court may compel the Mortgagee to re-convey. 15 & 16 Vict. c. 76. s. 219.

356. Where an Action of Ejectment shall be brought by any Mortgagee, his Heirs, Executors, Administrators, or Assigns, for the Recovery of the Possession of any mortgaged Lands, Tenements, or Hereditaments, and no Suit shall be then depending in any of Her Majesty's Courts of Equity in Ireland, for or touching the foreclosing or redeeming of such mortgaged Lands, Tenements, or Hereditaments, if the Person having Right to redeem such mortgaged Lands, Tenements, or Hereditaments, and who shall appear and become Defendant in such Action, shall, at any Time pending such Action, pay unto such Mortgagee, or, in case of his Refusal, shall bring into Court where such Action shall be depending, all the Principal Monies and Interest due on such Mortgage, and also all such Costs as have been expended in any Suit at Law or in Equity, upon such Mortgage (such Money for Principal, Interest, and Costs to be ascertained and computed by the Court where such Action is or shall be depending, or by the proper Officer by such Court to be appointed for that Purpose), the Monies so paid to such Mortgagee, or brought into such Court, shall be deemed and taken to be in full Satisfaction and Discharge of such Mortgage, and the Court shall and may discharge every such Mortgagor or Defendant of and from the same accordingly; and shall and may, by Rule of the same Court, compel such Mortgagee, at the Costs and Charges of such Mortgagor, to assign, surrender, or re-convey such mortgaged Lands, Tenements, and Hereditaments, and such Estate and Interest as such Mortgagee has therein, and deliver up all Deeds, Evidences, and Writings in his Custody, relating to the Title of such mortgaged Lands, Tenements, and Hereditaments, unto such Mortgagor, who shall have paid or brought such Monies into the Court, his Heirs, Executors, or Administrators, or to such other Person or Persons as he or they shall for that Purpose nominate or appoint.

Not to extend to Cases where the Right of Redemption is controverted, or

357. Nothing herein contained shall extend to any Case where the Person against whom the Redemption is or shall be prayed shall (by Writing under his Hand, or the Hand of his Attorney, Agent, or Solicitor, to be delivered before the Money shall be brought into such Court of Law to the Attorney or Solicitor for the other Side,) insist, either that the Party praying a Redemption has not a Right to redeem, or that the Premises are chargeable with other or different Principal Sums than what appear on the Face of Mortgage or shall be admitted on the other Side; or to any Case where the Right of Redemption to the mortgaged Lands and Premises in question in any Cause or Suit shall be controverted or questioned by or between different Defendants in the same Cause or Suit; or shall be any Prejudice to any subsequent Mortgage or subsequent Incumbrance, anything herein contained to the contrary thereof in anywise notwithstanding.

the Money due not adjusted; or to prejudice any subsequent Mortgage.
15 & 16 Vict. c. 76. s. 220.

358. The several Courts and the Judges thereof respectively shall and may exercise over the Proceedings the like Jurisdiction as heretofore exercised in the Action of Ejectment, so as to ensure a Trial of the Title, and of actual Ouster, when necessary, only, and for all other Purposes for which such Jurisdiction may at present be exercised; and the Provisions of all Statutes not inconsistent with the Provisions of this Act, and which may be applicable to the Mode of proceeding under this Act, shall remain in force and be applied thereto.

Jurisdiction of Courts and Judges.
15 & 16 Vict. c. 76. s. 221.

359. In the Case of any Ejectment for a Forfeiture, for Breach of a Covenant or Condition to insure against Loss or Damage by Fire, the Court or a Judge shall have Power, upon Motion to give Relief in a summary Manner, but subject to Appeal as herein-after mentioned in all Cases in which such Relief may now be obtained in the Court of Chancery under the Provisions of an Act passed in Session of Parliament held in the Twenty-second and Twenty-third Years of the present Reign, intituled "An Act to further amend "the Law of Property, and to relieve Trustees," and upon such Terms as would be imposed in such Court.

Relief against Forfeiture for non-insuring.
23 & 24 Vict. c. 126. s. 2.

22 & 23 Vict. c. 35.

360. Where such Relief shall be granted the Court or a Judge shall direct a Minute thereof to be made by Indorsement on the Lease or otherwise.

Minute of Relief granted.
23 & 24 Vict. c. 126. s. 3.

361. Any Order made by a Judge upon an Application for Relief under the Provisions of the last Two preceding Sections, shall be subject to an Appeal to the Court, and may be discharged, varied, or set aside by the Court, upon such Terms as the Court shall think fit, on Application made thereto by any Party dissatisfied with such Order.

Appeal to the Court from Order of Judge.
23 & 24 Vict. c. 126. s. 4.

362. It shall be lawful for the Party against whom the Court makes any Rule or Order in respect of such Relief, to appeal from

Power to appeal from Order of Court.

23 & 24 Vict. c. 126. s. 5.

such Rule or Order, and the Courts of Error shall be the Courts of Appeal for this Purpose, and every such Appeal shall be subject to the like Provisions as herein-before provided in relation to Appeals from Rules of the Court upon Motions for new Trials, or to enter a Verdict or Nonsuit, by Sections 287, 288, 289, 291, and 292 of this Act.

Proof of Title. 16 & 17 Vict. c. 113. s. 203.

363. The Proof of Title in any One or more several Plaintiffs in Ejectment shall be sufficient to entitle a Verdict to be entered for such Plaintiff or Plaintiffs, and it shall not be necessary to produce or prove upon any Trial of an Ejectment the Affidavit of Service of the Writ of Summons.

Action for Replevin of Goods.

And with respect to the Proceedings for Recovery of Goods and Chattels by way of Replevin:

Action for Replevin to be commenced by Writ of Summons. 13 & 14 Vict. c. 18. s. 11.

364. Where any Party whose Goods or Chattels have been taken or distrained shall dispute the Validity of such taking or Distress, and shall be desirous of proceeding for the Recovery of such Goods and Chattels by Replevin in any of the said Superior Courts, such Party may commence a Personal Action for the Recovery of the Goods or Chattels so taken or distrained by a Writ of Summons, which Writ of Summons shall, in addition to any Particulars herein-before required in an ordinary Writ of Summons, state the Particulars of the Property taken or distrained, and the Place where such Taking, Seizure, or Distress shall have been made, and shall be served by delivering a Copy or Copies thereof to the Defendant or Defendants, or to any Agent or other Person acting for him or them in making such Seizure or Distress, or in keeping the Goods and Chattels so taken or distrained, in the Manner herein-before provided in respect of an ordinary Writ of Summons.

Plaintiff may sue out also a Writ of Replevin. 16 & 17 Vict. c. 113. s. 229.

365. When any such Action shall have been so commenced it shall be lawful for the Plaintiff therein to sue out of the Court in which such Action shall be instituted a Writ, to be called a Writ of Replevin, in the Form No. 26 in the Schedule (A.) to this Act annexed, directed to the Sheriff of the County in which such Goods and Chattels shall be under Seizure or Distress, requiring him to replevy the said Goods and Chattels, and the said Sheriff shall and he is hereby required, upon good Security (by the Bond the Plaintiff, and Two responsible Persons as Sureties, conditioned as usual in such Cases,) being given to him, in double the Amount of the Value of the Property taken or distrained, to execute such Writ, and to return the said Writ, with a correct and proper Statement indorsed thereon of the Manner in which the same shall have been executed, or the Cause why the same has not been executed, to the Court out of which the same shall have issued, within Eight Days, exclusive of any Days hereby appointed to be observed and kept as Holidays, next after such Writ shall have been delivered to him : Provided always, that the Value of the Property so taken or distrained shall be ascertained by the said Sheriff in like Manner as the Value of Goods distrained is now ascertained by Law by the Sheriff in taking Security in Replevins, and that the said Bonds shall be assignable by the Sheriff under like Circumstances and in like Manner, and shall be available to the Assignee thereof, as by Law now or hereafter authorized in respect of Replevin Bonds.

366. If the Plaintiff in any such Action for Replevin of a Distress made for Rent shall be nonprossed for not filing his Declaration, it shall be lawful for the Defendant to file a Suggestion in the Nature of a Declaration for Rent, and praying the Court to inquire the Cause of the Distress; and thereupon, or in case Judgment be given for the Defendant on Demurrer, it shall be lawful for the Court to issue a Writ of Inquiry to the Sheriff of the County wherein the Distress was taken, or to the Master of the Court, to inquire touching the Amount of Rent in arrear at the Time of such Distress being taken, and the Value of the Goods or Chattels distrained, and such Inquiry shall be taken in the Manner hereinbefore provided upon Judgment by Default; and upon the Return of such Inquisition the Defendant shall have Judgment and Execution to recover against the Plaintiff the Arrears of Rent whether the Value of the Goods and Chattels distrained shall amount to so much or not, with his Costs of Suit in that Behalf incurred; and in case the said Plaintiff shall be Nonsuit after Issue joined, or if the Verdict shall be given against the Plaintiff, then the Jurors impannelled to try such Issue shall, at the Prayer of the Defendant, inquire the Amount of Rent due and the Value of the Goods and and Chattels distrained, and the Defendant shall have Judgment and Execution for such Arrears, whether the Value of the said Goods and Chattels shall amount to so much or not, together with his Costs of Suit in that Behalf incurred: Provided always, that nothing herein contained shall in any Manner alter or affect the Liability of the Sureties in the Replevin Bond.

If Plaintiff in Replevin be nonprossed or nonsuited, Defendant entitled to Judgment and Execution for his Rent.
16 & 17 Vict. c. 113. s. 230.

367. The Plaintiff in Replevin may in answer to an Avowry pay Money into Court in satisfaction in like Manner and subject to the same Proceedings as to Costs and otherwise as upon a Payment into Court by a Defendant in other Actions, but such Payments shall not, nor shall the Acceptance thereof by the Defendant in satisfaction, work a Forfeiture of the Replevin Bond.

Payment into Court in Replevin.
23 & 24 Vict. c. 126. ss. 23. & 24.

Real Actions.

And with respect to the Procedure in Real Actions, be it enacted as follows:

Dower, Writ, of Right of Power, and Quare impedit abolished as Real Actions, and to be commenced by Writ of Summons. 23 & 24 Vict. c. 126. s. 26.

368. No Writ of Right of Dower or Writ of Dower Unde nihil habet, and no Plaint for Free Bench or Dower in the Nature of any such Writ, and no Quare impedit, shall be brought after the Commencement of this Act in any Court whatsoever; but where any such Writ, Action, or Plaint would now lie, either in a superior or in any other Court, an Action may be commenced by Writ of Summons returnable into the Court of Common Pleas in the same Manner and Form as the Writ of Summons in an ordinary Action; and upon such Writ shall be indorsed a Notice that the Plaintiff intends to declare in Dower, or for Free Bench, or in Quare impedit, as the Case may be.

Writ, and all Proceedings thereupon, to be same as in ordinary Actions. 23 & 24 Vict. c. 126. s. 27.

369. The Service of the Writ, Appearance of the Defendant, Proceedings in default of Appearance, Pleadings, Judgment, Execution, and all other Proceedings and Costs upon such Writ, shall be subject to the same Rules and Practice, as nearly as may be, as the Proceedings in an ordinary Action commenced by Writ of Summons; and the Provisions of this Act shall apply to the Writ and Pleadings thereupon.

Error on Special Case.

And with respect to Error on a Judgment upon a Special Case, be it enacted as follows:

Error may be brought on a Special Case. 17 & 18 Vict. c. 125. s. 32.

370. Error may be brought upon a Judgment upon a Special Case in the same Manner as upon a Judgment upon a Special Verdict, unless the Parties agree to the contrary; and the Proceedings for bringing a Special Case before the Court of Error shall, as nearly as may be, be the same as in the Case of a Special Verdict; and the Court of Error shall either affirm the Judgment or give the same Judgments as ought to have been given in the Court in which it was originally decided, the said Court of Error being required to draw any Inferences of Fact from the Facts stated in such Special Case which the Court where it was originally decided ought to have drawn.

Effect of Injunction.

And whereas it is expedient that Injunctions and Orders to stay Proceedings should be rendered more effectual, be it enacted as follows:

Injunctions and Orders to stay Proceedings to have a specific Effect. 15 & 16 Vict. c. 76. s. 226.

371. In case any Action, Suit, or Proceeding in any Court of Law or Equity shall be commenced, sued, or prosecuted in disobedience of and contrary to any Writ of Injunction, Rule, or Order of any of the Superior Courts of Law or Equity at Dublin or of any Judge thereof in any other Court than that by or in which such Injunction may have been issued, or Rule or Order made, upon the Production to any such other Court or Judge thereof of such Writ of Injunction, Rule, or Order, the said other Court (in which such Action, Suit, or Proceeding may be commenced, prosecuted, or taken), or any Judge thereof, shall stay all further Proceedings contrary to any such Injunction, Rule, or Order, and thenceforth all further and subsequent Proceedings shall be utterly null and void to all Intents and Purposes: Provided always, that nothing herein contained shall be held to diminish, alter, abridge, or vary the Liability of any Person or Persons commencing, suing, or prosecuting any such Action, Suit, or Proceeding contrary to any Injunction, Rule, or Order of either of the Courts aforesaid, to any Attachment, Punishment, or other Proceeding to which any such Person or Persons are, may, or shall be liable in Cases of Contempt of either of the Courts aforesaid in regard to the commencing, suing, or prosecuting such Action, Suit, or Proceeding.

False Evidence. 17 & 18 Vict. c. 125. s. 89.

372. Any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit in Proceedings under this Act, wilfully and corruptly give false Evidence or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof shall be liable to the Penalties of wilful and corrupt Perjury.

Courts may appoint Sittings. 17 & 18 Vict. c. 125. s. 95.

373. The Superior Courts may appoint and hold Sittings either in Banc or for the Trial of Issues in Fact by Judge or Jury at any Time or Times, whether in Term or Vacation, not being between the First of August and the Twentieth of October.

Amendments. 15 & 16 Vict. c. 76. s. 222.

374. It shall be lawful for the Superior Courts of Common Law and every Judge thereof, and any Judge sitting at Nisi Prius, at all Times to amend all Defects and Errors in any Writ, Pleading, Record, or other Proceeding in Civil Causes, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend or not; and all such Amendments may be made in such Manner as shall be thereby directed, and with or without Costs, and upon such Terms as to the Court or Judge may seem fit; and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made, if duly applied for; and when such Amendment shall be made at Nisi Prius, or upon an Inquiry, the Order shall be indorsed upon the Record or Writ, and all Pleadings or other Records of the Court which it may be necessary to amend in conformity therewith shall be amended accordingly.

The Lord Lieutenant may direct all or Part of this Act to extend to any Court of Record. 17 & 18 Vict. c. 125. s. 105.

375. It shall be lawful for the Lord Lieutenant of Ireland from Time to Time, by an Order in Council, to direct that all or any Part of the Provisions of this Act, or of the several Orders to be made in pursuance thereof, shall apply to all or any Court or Courts of Record in Ireland; and within One Month after such Order shall have been made and published in the Dublin Gazette, such Provisions and Orders respectively shall extend and apply in manner directed by such Order, and any such Order may be in like Manner from Time to Time altered and annulled; and in and by any such Order the Lord Lieutenant may direct by whom any Powers or Duties incident to the Provisions applied under this Act, shall and may be exercised with respect to Matters in such Court or Courts, and may make any Orders or Regulations which may be deemed requisite for carrying into operation in such Court or Courts the Provisions so applied.

General Rules may be made by the Judges. 16 & 17 Vict. c. 113. s. 233.

376. It shall be lawful for the Judges of the said Courts, or any Seven or more of them, whereof Two shall be Chief Judges, from Time to Time to make all such General Rules and Orders for the effectual Execution of this Act, and for making such Alterations in the Mode of Pleadings in the said Courts, and in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law, and in the Mode of verifying Pleas, and in obtaining Final Judgment in certain Cases, and such Regulations as to the Payment of Costs, and for apportioning the Costs of Issues, and for fixing the Costs to be allowed for and in respect of the Matters herein contained, or prescribed by such General Orders, and for enforcing the Performance thereof, and for settling a Scale of Expenses or Remuneration to be allowed to Witnesses, and for the Purpose of enforcing Uniformity of Practice and Pleading in the said Courts, and of Practice in the Offices thereof, and of ensuring, as far as may be practicable, an equal Division of the Business amongst the said Courts as in their Judgment shall be necessary or proper, and for that Purpose to meet from Time to Time, as Occasion may require; and if any Difference shall appear to exist in the Practice of the said Courts and the Offices thereof, it shall be lawful for the Lord Chief Justice of the Court of Queen's Bench to summon a Meeting of the Judges, and thereupon the said Judges shall have full Power by a General Order or Orders to be made by any Seven or more of them, whereof Two shall be Chief Judges, to determine what the Practice in all the said Courts and Offices thereof shall thenceforward be; and all such Rules and Orders as they shall so make shall be valid and effectual, and shall be observed in each of the said Courts and the Offices thereof, until varied or altered by the like Authority, anything in this Act to the contrary notwithstanding; and any Expenses which the Judges shall certify (as now required with reference to incidental Expenses) to have been properly incurred in giving Effect to the Provisions of this Act shall be charged and paid in like Manner and as Part of the incidental Expenses of the said Courts: Provided that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Courts or the Judges thereof to make Rules or Orders, or otherwise to regulate and dispose of the Business therein.

New Forms of Writs and other Proceedings. 15 & 16 Vict. c. 76. s. 224.

377. Such new or altered Writs and Forms of Proceedings may be issued, entered, and taken, as may by the Judges of the said Courts, or any Seven or more of them, of whom Two shall be Chief Judges, be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of the said Courts respectively shall from Time to Time think fit to order; and such Writs and Proceedings shall be acted upon and enforced in such and the same Manner as Writs and Proceedings of the said Courts are now acted upon and enforced, or as near thereto as the Circumstances of the Case will admit; and any existing Writ or Proceeding, the Form of which shall be in any Manner altered in pursuance of this Act, shall nevertheless be of the same force and virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

Rules may be made by each Court for Government of its Officers. 15 & 16 Vict. c. 76. s. 225.

378. It shall and may be lawful to and for the Judges of each of the said Courts from Time to Time to make such Rules and Orders for the Government and Conduct of the Ministers and Officers of their respective Courts, in and relating to the Distribution and Performance of the Duties and Business to be done and performed in the Execution of this Act, as such Judges may think fit and reasonable: Provided always, that no additional Charge be thereby imposed on the Suitors.

Enactments of certain Sections to apply to all Civil and Criminal Courts in Ireland. 19 & 20 Vict. c. 113. s. 98.

379. The Enactments contained in Sections 105, 160, 191, of this Act shall apply and extend to every Court of Civil Judicature in Ireland; and the Enactments contained in Sections 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, shall apply and extend to all Courts of Judicature, as well Criminal as others, and to all Persons having, by Law or Consent of Parties, Authority to hear, receive, and examine Evidence.

Repeal of former Acts. 16 & 17 Vict. c. 113. s. 3.

380. From and after the Commencement of this Act, the several Acts and Parts of Acts set forth in the Schedule (C.) to this Act annexed, and to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, are hereby repealed, except as to anything done before the Commencement of this Act and except so far as may be necessary for the Purpose of supporting and continuing any Proceeding heretofore taken upon any Action brought before the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act, and except so far as the said Acts or Parts of Acts or any Part thereof are or is incorporated in "The Probates and Letters of Administration Act (Ireland), 1857."

Schedule of Law Fund Duties. 16 & 17 Vict. c. 113. s. 242.

381. The several Duties set forth in the Schedule (D.) to this Act annexed shall be the respective Law Fund Duties on the Proceedings in Actions in the said Superior Courts of Law in Ireland, and shall be in lieu and stead of the existing Duties in respect of the same Subject Matter; and the like Penalties, Forfeiture, and Remedies for the Enforcement and Recovery of the same shall attach upon the said Duties as previouly existed in respect of the Law Fund Duties heretofore in force.

And with respect to the Interpretation of Words in this Act:

Interpretation of Terms. 16 & 17 Vict. c. 113. s. 4.

382. In the Construction of this Act, the Word "Court" shall be understood to mean any One of the Superior Courts of Common Law at Dublin in which any Action is brought; and the Word "Judge" shall be understood to mean a Judge or Baron of any of the said Courts; and the Word "Action" shall, except where inconsistent with the Context, be understood to mean any Personal Action brought by Writ of Summons in any of the said Courts; and the Word "Master" shall be understood to mean a Master of any of the said Courts; and no Part of the United Kingdom of Great Britain and Ireland, nor the Islands of Man, Guernsey, Jersey, Alderney, or Sark, nor any Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed to be "beyond the Seas" within the Meaning of this Act; and the Word "County" shall be taken to extend to and include, where necessary and consistent, any City, County of a City, or County of a Town or City, and County of any Place, as the Case may be; and the Word "Party" or "Person" shall extend to and include any Corporation or other Public Body; and the Word "Affidavit" shall include an Affirmation or Declaration made by any Person who is empowered to give Evidence by Affirmation or Declaration in lieu of Oath; and no Provision requiring the Affidavit of, or any Act to be done by the Attorney, or the Signature of Attorney or Counsel, or Service on the Attorney, shall apply to Cases where the Plaintiff or Defendant shall sue or defend in Person, but all such Acts shall be done by, and Notices given to the Party so suing or defending in Person; and wherever in this Act, in describing or referring to any Person or Party, Matter or Thing, any Word importing the Singular Number or Masculine Gender is used, the same shall be understood to include, and shall be applicable to several Persons and Parties as well as One Person or Party, and Females as well as Males, and Bodies Corporate as well as Individuals, and several Matters and Things as well as One Matter or Thing, unless it otherwise be provided, or there be something in the Subject or Context repugnant to such Construction.

383. In citing this Act in any Instrument, Document, Pleading, Proceeding, or Act of Parliament, it shall be sufficient to use the Expression "The Common Law Procedure Act (Ireland), 1864."

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. 1.

WRIT WHERE THE DEFENDANT RESIDES WITHIN THE JURISDICTION.

Victoria, by the Grace of God, *&c.*

To *C.D.* of in the County of .

We command you, that within Eight Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of in an Action at the Suit of *A.B.;* and take notice, that in default of your so doing the said *A.B.* may proceed therein to Judgment and Execution. Witness the Seal of Our Superior Courts of Common Law hereunto set at Dublin, the Day of in the Year of our Lord 1864.

MEMORANDUM to be SUBSCRIBED on the WRIT.

N.B.—This Writ is to be served within (*Six*) Calendar Months from the Date thereof, or, if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

INDORSEMENT to be made on the WRIT BEFORE SERVICE thereof.

This Writ was issued by *E.F.* of Attorney for the said Plaintiff, *or* This Writ was issued in Person by *A.B.*, who resides at

[*Mention the City, Town, or Parish, and also the Name of the Street, and Number of the House of the Plaintiff's Residence, if any such.*]

INDORSEMENT to be made on the WRIT AFTER SERVICE thereof.

This Writ was served by *X.Y.* on *L.M.* [the Defendant, *or* One of the Defendants], on Monday the Day of 18 .

(Signed) *X.Y.*

No. 2.

WRIT WHERE THE DEFENDANT, BEING A BRITISH SUBJECT, RESIDES OUT OF THE JURISDICTION.

Victoria, by the Grace of God, *&c.*

To *C.D.* of in the County of

We command you, that within

[*Here insert a sufficient Number of Days within which the Defendant might appear, with reference to the Distance he may be at from Ireland.*]

Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of in an Action at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, *&c.*

MEMORANDUM to be SUBSCRIBED on the WRIT.

N.B.—This Writ is to be served within (*Six*) Calendar Months from the Date thereof, or, if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

INDORSEMENT to be made on the WRIT BEFORE the SERVICE thereof.

This Writ is for Service out of the Jurisdiction of the Court. and was issued by *E.F.* of Attorney for the said Plaintiff, *or* This Writ was issued in Person by *A.B.*, who resides at

[*Mention the City, Town, or Parish, and also the Name of the Street and Number of the House of the Plaintiff's Residence, if any such.*]

The Indorsement required by the 9th Section should be made on this Writ, but should allow the Defendant the Time limited for Appearance to pay the Debt and Costs.

No. 3.

WRIT WHERE THE DEFENDANT, NOT BEING A BRITISH SUBJECT, RESIDES OUT OF THE JURISDICTION.

Victoria, by the Grace of God, *&c.*

To *C.D.* late of in the County of

We command you, that, within

[*Here insert a sufficient Number of Days within which the Defendant might appear, with reference to the Distance he may be at from Ireland.*]

Days after Notice of this Writ is served on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of in an Action at the Suit of *A.B.*; and take notice, that in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, *&c.*

MEMORANDUM to be SUBSCRIBED on the WRIT.

N.B.—Notice of this Writ is to be served within (*Six*) Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

INDORSEMENTS as in other CASES.

NOTICE of the foregoing WRIT.

To *G.H.* late of [*Mullingar, in the County of Westmeath*], *or* now residing at [*Paris in France*].

Take notice, that *A.B.* of   in the County of   Ireland, has commenced an Action at Law against you *C.D.* in Her Majesty's Court of   by a Writ returnable into that Court, dated the   Day of   A.D. 18   ; and you are required, within   Days after the Receipt of this Notice, inclusive of the Day of such Receipt, to defend the said Action by causing an Appearance to be entered for you in the said Court to the said Action; and in default of your so doing the said *A.B.* may, by Leave of the Court or a Judge, proceed thereon to Judgment and Execution.

[*Here state Amount of Claim as required by the 9th Section, but allowing the Defendant the Time limited for Appearance to pay Debt and Costs.*]

(Signed)   *A.B.* of   *&c.*
or
E.F. of   *&c.*
Attorney for *A.B.*

No. 4.

SPECIAL INDORSEMENT.

[*After the Indorsement required by the 9th Section of this Act, this special Indorsement may be inserted.*]

The following are the Particulars of Plaintiff's Claim:

	£	*s.*	*d.*
1859.—June 20. Half Year's Rent to this Day of House and Premises in Grafton Street, Dublin - -	25	10	0
Sept. 12. Ten Sacks of Flour at 40*s.* - - - -	20	0	0
Dec. 1. Money received by Defendant - - - -	17	0	0
	62	10	0
Paid - - -	15	0	0
Balance due - -	£47	10	0

Or,

To Butcher's Meat supplied between the 1st of January 1859 and the 1st of January 1860 - - - - - - - - - -	£52
Paid - - - -	20
Balance - - -	£32

[*If any Account has been delivered, it may be referred to, with its Date, or the Plaintiff may give such a Description of his Claim as in a Particular Demand, so as to prevent the Necessity of an Application for further Particulars.*]

Or,

£50 Principal and Interest due on a Bond dated the Day of conditioned for the Payment of £100.

Or,

£90 Principal and Interest due on a Covenant contained in a Deed dated the Day of to pay £100 and Interest.

Or,

A Penalty of £50 under the Statute 26 Vict. c. 29.

Or,

£85 on a Bill of Exchange for £100, dated the 2nd February 1864, accepted, *or* drawn, *or* indorsed by the Defendant.

Or,

£50 on a Guarantee dated the 1st of January 1863, whereby the Defendant guaranteed the due Payment by *E.F.* of Goods supplied or to be supplied to him.

[*To any of the above may be added, in Cases where Interest is payable, "the Plaintiff also claims Interest on £ of the above Sum from the Date of the Writ until Judgment."*]

N.B.—Take notice, that if a Defendant served with this Writ within the Jurisdiction of the Court do not appear according to the Exigency thereof, the Plaintiff will be at liberty to sign final Judgment for any Sum not exceeding the Sum above claimed (with Interest at the Rate specified), and the Sum of £ for Costs, and issue Execution at the Expiration of Eight Days from the last Day for Appearance.

No. 5.

In the Queen's Bench:
On the Day of A.D. 1865.

[*Day of signing the Judgment.*]

Ireland, to wit. } *A.B.* in his own Person (*or* by *X.Y.* his Attorney) sued out a Writ of Summons against *C.D.*, indorsed according to "the Common Law Procedure Act (Ireland), 1864," as follows:

[*Here copy special Indorsement.*]

And the said *C.D.* has not appeared: Therefore it is considered that the said *A.B.* recover against the said *C.D.* £ together with £ for Costs of Suit.

No. 6.

In the Queen's Bench:

The Day of in the Year of our Lord 18 .

County of Leitrim, to wit. } Whereas *A.B.* has sued *C.D.*, and affirms and denies

[*Here state the Question or Questions of Fact to be tried.*]

And it has been ordered by the Hon. Mr. Justice according to "the Common Law Procedure Act (Ireland), 1864," that the said Question shall be tried by a Jury; therefore let the same be tried accordingly.

No. 7.

Bill of Exceptions.

In the Queen's Bench:

Monday, the 20th Day of July, A.D. 1864.

A.B.
Plaintiff.
C.D.
Defendant.

The Issues in Fact in the annexed Record of Nisi Prius having come to be tried by a Jury on this Day, the Plaintiff produced and examined as a Witness one *G.H.* to prove the Fact of [*&c. &c.*]; and the said *G.H.* deposed that [*&c. &c.*], which Evidence the Defendant objected to as not being legal Evidence of the Fact; and the Plaintiff insisting to the contrary, the Judge at Nisi Prius admitted the Evidence to be received accordingly, and therefore the Defendant excepts, and prays that his Exception shall be placed upon the Record for the Examination of the Court above.

(Signed) *L.M.*, Counsel for Defendant.
L.P., Judge.

No. 8.

Suggestion of Breaches.

In the Queen's Bench:

Monday, the 20th Day of June, A.D. 1864.

A.B.
Plaintiff
C.D.
Defendant.

And now on this Day the said *A.B.* the Plaintiff, comes and informs the Court that after the Recovery of the said Judgment, and on the 1st Day of April 1863, another half-yearly Gale of the said Annuity, amounting to the Sum of £100, became due and payable to the Plaintiff, and that the Defendant has neglected and refused to pay the same, in breach and violation of the Conditions of the said Bond upon which the Plaintiff recovered such Judgment, and therefore the Plaintiff prays Execution of the said Judgment for the further Sum of £100.

No. 9.

FORM OF RULE OR SUMMONS WHERE A JUDGMENT CREDITOR APPLIES FOR EXECUTION AGAINST A JUDGMENT DEBTOR.

[*Formal Parts.*]

C.D. show Cause why *A.B.* [*or as the Case may be*] should not be at liberty to enter a Suggestion upon the Roll in an Action wherein the said *A.B.* was Plaintiff and the said *C.D.* was Defendant, and wherein the said *A.B.* obtained Judgment for £ against the said *C.D.* on the Day of , that it manifestly appears to the Court that the said *A.B.* is entitled to have Execution of the said Judgment, and to issue Execution thereupon, and why the said *C.D.* should not pay to the said *A.B.* the Costs of this Application, to be taxed.

[NOTE.—*The above Form may be modified so as to meet the Case of an Application by or against the Representative of a Party to the Judgment*].

No 10.

FORM OF SUGGESTION THAT THE JUDGMENT CREDITOR IS ENTITLED TO EXECUTION AGAINST THE JUDGMENT DEBTOR.

And now on the Day of it is suggested and manifestly appears to the Court, that the said *A.B.* [*or C.D.*, as Executor of the last Will and Testament of the said *A.B.*, deceased, *or as the Case may be*,] is entitled to have Execution of the Judgment aforesaid against the said *E.F.* [*or* against *G.H.*, as Executor of the last Will and Testament of the said *E.F.*, *or as the Case may be*]: Therefore it is considered by the Court that the said *A.B.* [*or CD.*, as such Executor as aforesaid, *or as the Case may be*,] ought to have Execution of the said Judgment against the said *E.F.* [*or* against *G.H.* as such Executor as aforesaid, *or as the Case may be*].

No. 11.

FORM OF WRIT OF REVIVOR.

VICTORIA, by the Grace of God, *&c.*, to *E.F.* of greeting.

We command you that, within Eight Days after the Service of this Writ upon you, inclusive of the Day of such Service, you appear in Our Court of to show Cause why *A.B.* [*or C.D.*, as Executor of the last Will and Testament of the said *A.B.*, deceased, *or as the Case may be*,] should not have Execution against you [*if against a Representative, here insert*, as Executor of the last Will and Testament of deceased, *or as the Case may be*,] of a Judgment whereby the said *A.B.* [*or as the Case may be*] on the Day of in the said Court recovered against you [*or as the Case may be*,] £ ; and take notice, that in default of your so doing the said *A.B.* [*or as the Case may be*] may proceed to Execution.

Witness, *&c.*

No. 12.

SATISFACTION PIECE, AFFIDAVIT, AND REQUISITION TO ENTER SATISFACTION ON JUDGMENT.

A.B. Plaintiff.
C.D. Defendant.

I *A.B.* of did obtain a Judgment in the Court of as of Term 18 Roll No. against *C.D.* for the Sum of which said Judgment has been fully satisfied and discharged; and I hereby consent that Satisfaction be entered on the Record of said Judgment.

Dated this Day of 18 .

Signed in Presence of *E.F.* *A.B.*

The above-named *E.F.* of this Day maketh Oath and saith, that he is the subscribing Witness to and saw the above Consent duly executed by *A.B.* of , and saith that the Name *E.F.* subscribed as Witness to the above Consent is Deponent's proper Name and Handwriting.

(Signed) *E.F.*

Sworn before me, this

Now I *G.H.* of a practising Attorney of this Honourable Court, do hereby, on behalf of the Defendant, require the proper Officer to enter Satisfaction on the Record of said Judgment.

(Signed) *G.H.*, Attorney.

To the Master of the Court of

No. 13.

In the Queen's Bench:

The Day of in the Year of our Lord 18 .

[*The Day of lodging Note of Error.*]

A.B. and *C.D.*

The Plaintiff [*or* Defendant] says that there is Error in Law in the Record and Proceedings in this Action; and the Defendant [*or* Plaintiff] says that there is no Error therein.

(Signed) *A.B.*, Plaintiff.
[*or C.D.*, Defendant.]
[*or E.F.*, Attorney for Plaintiff *or* Defendant.]

No. 14.

The Day of in the Year of our Lord 18 .

[*The Day of making the Entry on the Roll.*]

The Plaintiff [*or* Defendant] says that there is Error in the above Record and Proceedings; and the Defendant [*or* Plaintiff] says there is no Error therein.

No. 15.

No. 15.

In the Queen's Bench:

The Day of in the Year of our Lord 18 .

[*The Day of lodging Note of Error.*]

A.B. and *C.D.* in Error.

The Plaintiff [*or* Defendant] says that there is Error in Fact in the Record and Proceedings in this Action, in the Particulars specified in the Affidavit hereunto annexed.

(Signed) *A.B.*, Plaintiff.
[*or C.D.*, Defendant.]
[*or E.F.*, Attorney for Plaintiff *or* Defendant.]

No. 16.

Victoria, by the Grace of God, *&c.*

To *C.D.* of in the County of

We warn you, that unless within Twelve Days after the Service of this Writ on you, inclusive of the Day of such Service, you obtain Leave from the Court of or One of the Judges thereof, to appear, and do within that Time appear, in Our Court of in an Action at the Suit of *A.B.*, the said *A.B.* may proceed to Judgment and Execution.

Witness, *&c.*

MEMORANDUM to be SUBSCRIBED on the WRIT.

N.B.—This Writ is to be served within Six Calendar Months from the Date hereof, or if renewed, from the Date of such Renewal, including the Day of such Date, and not afterwards.

INDORSEMENT to be made on the WRIT BEFORE SERVICE thereof.

This Writ was issued by *E.F.* of . Attorney for the Plaintiff, *or*, This Writ was issued in Person by *A.B.*, who resides at

[*Mention the City, Town, or Parish, and also the Name of the Street, and Number of the House of the Plaintiff's Residence.*]

INDORSEMENT.

The Plaintiff claims [Pounds Principal and Interest], *or* Pounds Balance of Principal and Interest due to him as the Payee [*or* Indorsee] of a Bill of Exchange or Promissory Note, of which the following is a Copy:

[*Here copy Bill of Exchange or Promissory Note, and all Indorsements upon it.*]

And if the Amount thereof be paid to the Plaintiff or his Attorney within Days from the Service hereof, further Proceedings will be stayed.

NOTICE.

Take notice, that if the Defendant do not obtain Leave from the Court or One of the Judges thereof within Twelve Days after having been served with this Writ, inclusive of the Day of such Service, to appear thereto, and do within such Time cause an Appearance to be entered for him in the Court into which this Writ is returnable, the Plaintiff will be at liberty at any Time after the Expiration of such Twelve Days to sign final Judgment for any Sum not exceeding the Sum above claimed, and the Sum of Pounds for Costs, and issue Execution for the same.

Leave to appear may be obtained on an Application to the Court or a Judge, supported by Affidavit, showing that there is a Defence to the Action on the Merits, or that it is reasonable that the Defendant should be allowed to appear in the Action.

INDORSEMENT to be made on the WRIT AFTER SERVICE thereof.

This Writ was served by *X.Y.* on *L.M.* (the Defendant the Defendants), on Monday the Day of 18 .

By *X.Y.*

No. 17.

In the Queen's Bench:

On the Day of in the Year of our Lord 18

[*Day of signing Judgment.*]

IRELAND, to wit. } *A.B.* in his own Person [*or* by his Attorney] sued out a Writ against *C.D.*, indorsed as follows:

[*Here copy Indorsement of Plaintiff's Claim.*]

And the said *C.D.* has not appeared:

Therefore it is considered that the said *A.B.* recover against the said *C.D.* Pounds, together with Pounds for Costs of Suit.

No. 18.

EJECTMENT.

FORM of WRIT.

VICTORIA, *&c.*, to *X.Y.Z.*, and all Persons entitled to defend the Possession of

[*Describe the Property with reasonable Certainty.*]

in the Parish of in the County of to the Possession whereof *A.*, *B.*, and *C*, some or One of them, claim to be [*or* to have been on and since the Day of A.D.] entitled, and to eject all other Persons therefrom: These are to will and command you, or such of you as deny the alleged Title, within Sixteen Days after Service hereof, to appear in Our Court of to defend the said Property, or such Part thereof as you may be advised; in default whereof Judgment may be signed, and you turned out of possession.

Witness, *&c.*

[*Here indorse the Sum claimed as Damages for the Loss of mesne Rates and Profits, or the Particulars of the Rent due, as the Case may be.*]

No. 19.

JUDGMEMT IN EJECTMENT IN CASE OF NON-APPEARANCE.

In the Queen's Bench:

The Day of 18 .

[*Date of Writ.*]

County of Cork, to wit. } On the Day and Year above written, a Writ of our Lady the Queen issued forth returnable into this Court in these Words; that is to say,

VICTORIA, by the Grace of God,

[*Here copy the Writ.*]

And no Appearance has been entered or Defence made to the said Writ; therefore it is considered that the said

[*Here insert the Names of the Persons in whom Title is alleged in the Writ.*]

do recover Possession of the Land in the said Writ mentioned, with the Appurtenances.

No. 20.

In the Queen's Bench:

On the Day of A.D. 18 .

County of Galway, to wit. } On the Day and Year above written, a Writ of our Lady the Queen issued forth returnable into this Court, in these Words; that is to say,

VICTORIA, by the Grace of God,

[*Here copy the Writ.*]

and *C.D.* has, on the Day of appeared by his Attorney [*or* in Person] to the said Writ, and has defended for a Part of the Land in the Writ mentioned; that is to say,

[*Here state the Part.*]

And no Appearance has been entered or Defence made to the said Writ, except as to the said Part; therefore it is considered that the said *A.B.* (*the Claimant*) do recover Possession of the Land in the said Writ mentioned, except the said Part, with the Appurtenaces, and that he have Execution thereof forthwith; and as to the rest, let a Jury come, *&c.* [*as in the next Form, No.* 21.]

No. 21.

No. 21.

In the Queen's Bench:
On the Day of A.D. 18 .

County of Dublin, to wit. } On the Day and Year above written a Writ of our Lady the Queen issued forth, returnable into this Court, in these Words; that is to say,

VICTORIA, by the Grace of God,

[*Here copy the Writ.*]

And *C.D.* has on the Day of appeared by his Attorney [*or* in Person], to the said Writ, and defended for the whole of the Land therein mentioned; therefore let a Jury come, *&c.*, and let the Jury ascertain whether the Plaintiff is entitled to any and what Damages for Loss of mesne Rates and Profits, and [*in case of Ejectment for Nonpayment of Rent*] the Amount of Rent due to the Plaintiff.

No. 22.

Afterwards, on the Day of A.D. before and Justices of Our Lady the Queen assigned to take the Assizes in and for the within County, come the Parties within mentioned; and a Jury of the said County being sworn to try the Matters in question between the said Parties, upon their Oath say, that *A.B.* (*the Claimant*) within mentioned, on the Day of A.D. was and still is entitled to the Possession of the Land within mentioned, as in the Writ alleged; therefore it is considered that the said *A.B.* (*the Claimant*) do recover the Possession of the said Land with the Appurtenances, and the Sum of £ for his Damages for the Loss of the mesne Rates and Profits of the said Lands [*and in Ejectment for Nonpayment of Rent*] the Sum of £ for the Arrears of the Rent of the said Land.

No. 23.

In the Queen's Bench:
On the Day of 18 .
[*Date of Writ.*]

County of Kildare, to wit. } On the Day and Year above written a Writ of our Lady the Queen issued forth, returnable into this Court, in these Words; that is to say,

VICTORIA, by the Grace of God,

[*Here copy the Writ.*]

And *C.D.* has on the Day of appeared by his Attorney [*or* in Person] to the said Writ, and *A.B.* has discontinued the Action; therefore it is considered that the said *C.D.* be acquitted, and that he recover against the said *A.B.* £ for his Cost of Defence.

No. 24.

In the Queen's Bench:
The Day of 18 .

[*Date of Writ.*]

County of Tyrone, to wit. } On the Day and Year above written a Writ of our Lady the Queen issued forth, returnable into this Court, in these Words; that is to say,

VICTORIA, by the Grace of God,

[*Here copy the Writ.*]

And *C.D.* has on the Day of appeared by his Attorney [*or* in Person] to the said Writ, and *A.B.* has failed to proceed to Trial, although duly required so to do; therefore it is considered that the said *C.D.* be acquitted, and that he recover against the said *A.B.* £ for his Costs of Defence.

No. 25.

In the Queen's Bench:
The Day of 18 .

[*Date of Writ.*]

County of Carlow, to wit. } On the Day and Year above written a Writ of our Lady the Queen issued forth, returnable into this Court, in these Words; that is to say,

VICTORIA, by the Grace of God,

[*Here copy the Writ.*]

And *C.D.* has, on the Day of appeared by his Attorney [*or* in Person] to the said Writ, and the said *C.D.* has confessed the said Action [*or* has confessed the said Action as to Part of the said Land, that is to say, *here state the Part*]; therefore it is considered that the said *A.B.* do recover Possession of the Land in the said Writ mentioned [*or* of the said Part of the said Land, with the Appurtenances, and £ for Costs.

No. 26.

VICTORIA, by the Grace of God, *&c.*
To the Sheriff of greeting.

We command you that without Delay you cause to be replevied to *A.B.* his Goods and Chattels (and Cattle), to wit. which *C.D.* took and unjustly detains, as it is said, and after what Manner you shall have executed this Our Writ make appear to Us [*or* to Our Justices or Barons, *as the Case may be*], at the Queen's Courts, Dublin, and have there this Our Writ.

Witness, *&c.*

INDORSEMENTS as in other CASES.

SCHEDULE (B.)

FORMS OF PLEADINGS.

STATEMENTS OF CAUSES OF ACTION.

ON CONTRACTS.

1. Money payable by the Defendant to the Plaintiff for

Goods.

[*These Words,* " Money payable," &c., *should precede Money Counts like* 1 *to* 13, *but need only be inserted in the first.*]

Goods bargained and sold by the Plaintiff to the Defendant.

Work and Materials.

2. Work done and Materials provided by the Plaintiff for the Defendant at his Request.

Money lent.

3. Money lent by the Plaintiff to the Defendant.

Money paid.

4. Money paid by the Plaintiff for the Defendant at his Request.

Money received.

5. Money received by the Defendant for the Use of the Plaintiff.

Account stated.

6. Money found to be due from the Defendant to the Plaintiff on Accounts stated between them.

For an Estate sold.

7. A Messuage and Lands sold and conveyed by the Plaintiff to the Defendant.

For Goodwill.

8. The Goodwill of a Business of the Plaintiff, sold and given up by the Plaintiff to the Defendant.

For the Use of a House and Land.

9. The Defendant's Use, by the Plaintiff's Permission, of Messuages and Lands of the Plaintiff.

For the Use of a Fishery.

10. The Defendant's Use, by the Plaintiff's Permission, of a Fishery of the Plaintiff.

For Hire of Goods, &c.

11. The Hire of [*as the Case may be*] by the Plaintiff, let to Hire to the Defendant.

For Freight.

12. Freight for the Conveyance by the Plaintiff, for the Defendant, at his Request, of Goods in Ships.

For Demurrage.

13. The Demurrage of a Ship of the Plaintiff kept on Demurrage by the Defendant.

Payee against Maker of Note.

14. That the Defendant on the Day of A.D. , by his Promissory Note, now overdue, promised to pay to the Plaintiff £ [*Two*] Months after Date, but did not pay the same.

Indorsee against Indorser of Note.

15. That one *A.*, on, *&c.* [*Date*], by his Promissory Note, now overdue, promised to pay to the Defendant, or Order, £ [*Two*] Months after Date; and the Defendant indorsed the same to the Plaintiff; and the said Note was duly presented for Payment, and was dishonoured, whereof the Defendant had due Notice, but did not pay the same.

Drawee against Acceptor of Bill.

16. That the Plaintiff, on, *&c.* [*Date*], by his Bill of Exchange, now overdue, directed to the Defendant, required the Defendant to pay to the Plaintiff £ [*Two*] Months after Date; and the Defendant accepted the said Bill, but did not pay the same.

Payee against Drawer.

17. That the Defendant, on, *&c.* [*Date*], by his Bill of Exchange, directed to *A.*, required *A.* to pay to the Plaintiff £ [*Two*] Months after Date; and the said Bill was duly presented for Acceptance, and was dishonoured, of which the Defendant had due Notice, but did not pay the same.

Breach of Promise of Marriage.

18. That the Plaintiff and Defendant agreed to marry one another, and a reasonable Time for such Marriage has elapsed, and the Plaintiff has always been ready and willing to marry the Defendant, yet the Defendant has neglected and refused to marry the Plaintiff.

19. That the Plaintiff and Defendant agree to marry one another on a Day now elapsed, and the Plaintiff was ready and willing to marry the Defendant on that Day, yet the Defendant neglected and refused to marry the Plaintiff.

Warranty of a Horse.

20. That the Defendant, by warranting a Horse to be then sound and quiet to ride, sold the said Horse to the Plaintiff, yet the said Horse was not then sound and quiet to ride.

For not loading pursuant to Charter party.

21. That the Plaintiff and the Defendant agreed by Charterparty that the Plaintiff's Ship called the "Ariel" should with all convenient Speed sail to *R.*, or so near thereto as she could safely get, and that the Defendant should there load her with a full Cargo of Tallow or other lawful Merchandize, which she should carry to *H.*, and there deliver, on payment of Freight £ per Ton, and that the Defendant should be allowed Ten Days for loading, and Ten for Discharge, and Ten Days for Demurrage, if required, at £ per Day; and that the Plaintiff did all things necessary on his part to entitle him to have the agreed Cargo loaded on board the said Ship at *R.*, and the Time for so doing has elapsed, yet the Defendant made default in loading the agreed Cargo.

Upon a Lease for Rent.

22. That the Plaintiff let to the Defendant a House, No. , Merrion Square North, Dublin, for Seven Years, to hold from the Day of , A.D. , at £ a Year, payable quarterly, of which Rent Quarters are due and unpaid.

Upon a Covenant to repair.

23. That the Plaintiff by Deed let to the Defendant a House, No. , Henrietta Street, Dublin, to hold for Seven Years from the Day of A.D. , and the Defendant by the said Deed covenanted with the Plaintiff well and substantially to repair the said House during the said Term [*according to the Covenant,*] yet the said House was during the said Term out of good and substantial Repair.

For Wrongs independent of Contract.

Trespass Land.

24. That the Defendant broke and entered certain Land of the Plaintiff, called the Big Field, and depastured the same with Cattle.

Assault, Battery, and false Imprisonment.

25. That the Defendant assaulted and beat the Plaintiff, gave him into Custody to a Policeman, and caused him to be imprisoned in a Police Office.

Criminal Conversation.

26. That the Defendant debauched and carnally knew the Plaintiff's Wife.

Wrongful Conversion of Goods.

27. That the Defendant converted to his own use or wrongfully deprived the Plaintiff of the Use and Possession of the Plaintiff's Goods; that is to say, Iron, Hops, Household Furniture [*or as the Case may be*].

Wrongful Detention of Property, &c.

28. That the Defendant detained from the Plaintiff his Title Deeds of Land, called Belmont, in the County of Cork; that is to say [*describe the Deeds*].

Diverting Water from a Mill.

29. That the Plaintiff was possessed of a Mill, and by reason thereof was entitled to the Flow of a Stream for working the same, and the Defendant, by cutting the Bank of the said Stream, diverted the Water thereof away from the said Mill.

Infringement of a Patent.

30. That the Plaintiff was the first and true Inventor of a certain new Manufacture, that is to say, of " certain Improvements in the Manufacture of Sulphuric Acid," and thereupon Her Majesty Queen Victoria, by Letters Patent under the Great Seal of England, granted the Plaintiff the sole Privilege to make, use, exercise, and vend the said Invention within Ireland, for the Term of Fourteen Years from the Day of A.D. , subject to a Condition that the Plaintiff should, within Six Calendar Months next after the Date of the said Letters Patent, cause to be enrolled in the High Court of Chancery an Instrument in Writing under his Hand and Seal, particularly describing and ascertaining the Nature of his said Invention, and in what Manner the same was to be and might be performed, and the Plaintiff did within the Time prescribed fulfil the said Condition, and the Defendant during the said Term did infringe the said Patent Right.

Defamation of Character.

31. That the Defendant falsely and maliciously spoke and published of the Plaintiff the Words following, that is to say, "he is a Thief;"

[*If there be any special Damage here state it with such reasonable Particularity as to give Notice to the Defendant of the peculiar Injnry complained of; for instance*],

whereby the Plaintiff lost his Situation as Gamekeeper in the Employ of *A.*

32. That the Defendant falsely and maliciously printed and published of the Plaintiff in a Newspaper called " " the Words following, that is to say, "he is a regular Prover under Bankruptcies, the Defendant meaning thereby that the Plaintiff had proved and was in the habit of proving fictitious Debts against the Estates of Bankrupts, with the Knowledge that such Debts were fictitious.

COMMENCEMENT OF PLEA.

33. The Defendant by his Attorney [*or* in Person] says

[*Here state the Substance of the Plea.*]

34. And for a Second Plea the Defendant says

[*Here state the Second Plea.*]

PLEAS IN ACTIONS ON CONTRACTS.

Denial of Debt

35. That he never was indebted as alleged.

[*This Plea is applicable to Declarations like those numbered* 1 *to* 13.]

Denial of Contract.

36. That he did not promise as alleged.

[*This Plea is applicable to other Declarations on Simple Contracts, not on Bills and Notes such as those numbered* 18 *to* 21. *It would be unobjectionable to use* "did not warrant," "did not agree," *or any other appropriate Denial*].

Denial of Deed.

37. That the alleged Deed is not his Deed.

Statute of Limitations.

38. That the alleged Cause of Action did not accrue within Six Years

[*State the Period of Limitation applicable to the Case*]

before this Suit.

Payment.

39. That before Action he satisfied and discharged the Plaintiff's Claim by Payment.

Set-off.

40. That the Plaintiff at the Commencement of this Suit was, and still is, indebted to the Defendant in an Amount equal to the Plaintiff's Claim, for

[*Here state the Cause of Set-off, as in a Declaration; see Forms ante*]

which Amount the Defendant is willing to set off against the Plaintiff's Claim.

Release.

41. That *after the alleged Claim accrued, and before this Suit,* the Plaintiff by Deed released the Defendant therefrom.

PLEAS IN ACTIONS FOR WRONGS INDEPENDENT OF CONTRACT.

Not guilty.

42. That he is not guilty.

Leave and Licence.

43. That he did what is complained of by the Plaintiff's Leave.

Self-defence.

44. That the Plaintiff first assaulted the Defendant, who thereupon necessarily committed the alleged Assault in his own Defence.

Right of Way.

45. That the Defendant, at the Time of the alleged Trespass, was possessed of Land the Occupiers whereof for Twenty Years before this Suit enjoyed as of Right, and without Interruption, a Way on Foot and with Cattle from a public Highway over the said Land of the Plaintiff to the said Land of the Defendant, and from the said Land of the Defendant over the said Land of the Plaintiff to the said public Highway, at all Times of the Year, for the more convenient Occupation of the said Land of the Defendant, and that the alleged Trespass was a Use by the Defendant of the said Way.

Right of Common.

46. That the Defendant, at the Time of the alleged Trespass, was possessed of Land the Occupiers whereof for Thirty Years before this Suit enjoyed as of Right, and without Interruption, Common of Pasture over the said Land of the Plaintiff for all their Cattle, levant and couchant, upon the said Land of the Defendant, at all Times of the Year, as to the said Land of the Defendant appertaining, and that the alleged Trespass was a Use by the Defendant of the said Right of Common.

REPLICATIONS.

Joinder of Issue.

47. The Plaintiff takes Issue upon the Defendant's 1st, 2nd, &c. Pleas.

Replication to to Pleas containing new Matter.

48. The Plaintiff as to the Second Plea says

[*Here state the Answer to the Plea as in the following Forms.*]

49. That the alleged Release is not the Plaintiff's Deed.

To Plea of Release.

50. That the alleged Release was procured by the Fraud of the Defendant.

To Plea of Set-off.

51. That the alleged Set-off did not accrue within Six Years before this Suit.

To Self-Defence.

52. That the Plaintiff was possessed of Land whereon the Defendant was trespassing and doing Damage, whereupon the Plaintiff requested the Defendant to leave the said Land, which the Defendant refused to do; and thereupon the Plaintiff gently laid his Hands on the Defendant in order to remove him, doing no more than was necessary for that Purpose, which is the alleged first Assault by the Plaintiff.

To Right of Way.

53. That the Occupiers of the said Land did not for Twenty Years before this Suit enjoy as of Right, and without Interruption, the alleged Way.

NEW ASSIGNMENT.

To the Pleas of Right of Way and Right of Common.

54. The Plaintiff, as to the   and   Pleas, says, that he sues not for the Trespasses therein admitted, but for Trespasses

committed by Defendant in excess of the alleged Rights, and also in other Parts of the said Land, and on other Occasions, and for other Purposes than those referred to in the said Pleas.

[*If the Plaintiff replies and new assigns, the new Assignment may be as follows:*]

55. And the Plaintiff, as to the and Pleas, further says, that he sues not only for the Trespasses in those Pleas admitted, but also for, *&c.*

[*If the Plaintiff replies and new assigns to some of the Pleas, and new assigns only to the other, the Form may be as follows:*]

56. And the Plaintiff, as to the and Pleas, further says, that he sues not for the Trespasses in the Pleas
[*The Pleas not replied to*]
admitted, but for the Trespasses in the Pleas
[*The Pleas replied to*]
admitted, and also for, *&c.*

SCHEDULE (C.)

ACTS TO BE REPEALED IN SO FAR AS IN THE FOREGOING ACT DECLARED.

Date of Act.	Title of Act.	Extent of Repeal.
33 Geo. III. c. 42.	An Act for the relief of Insolvent Debtors in regard to the Imprisonment of their Persons.	Sec. 28.
35 Geo. III. c. 30.	An Act for the relief of Insolvent Debtors in regard to the Imprisonment of their Persons.	Sec. 31.
16 & 17 Vic. c. 113.	An Act to amend the Procedure in the Superior Courts of Common Law in *Ireland.*	The entire Act, except Sections 7, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 126, 191, 192, 232, 234, 235, 236, 237, 238.
19 & 20 Vic. c. 113.	An Act to further amend the Procedure in the Superior Courts of Common Law in *Ireland.*	The entire Act, except Sections 96, 97.
23 & 24 Vic. c. 154.	An Act to consolidate and amend the Laws of Landlord and Tenant in *Ireland.*	Sections 55, 56, 57, 60, 67, 74, 77, so far as they relate to Proceedings in the Superior Courts of Common Law.
24 & 25 Vic. c. 43.	An Act to facilitate the Remedies on Bills of Exchange and Promissory Notes in *Ireland*, by the Prevention of frivolous or fictitious Defences to Actions thereto.	The entire Act.
25 Vic. c. 23.	An Act to amend the "Summary Procedure on Bills of Exchange (*Ireland*) Act, 1861."	The entire Act.

SCHEDULE (D.)

LAW FUND DUTIES ON PROCEEDINGS UNDER FOREGOING ACT.

	£	s.	d.
Affidavits - - - - - - - -			
Attested Copy of any Pleading, Judgment, Affidavit, &c. &c., per Folio of 72 Words - - - - -			
Copy of any Rule - - - - - -			
Rule or Order of every Description - - - -			
Declaration, Pleas, Demurrers, and other Pleadings, and Consents for Judgment - - - - -			
Writs of Subpœna, Execution, and all other Writs whatsoever -			
Nisi Prius Record - - - - -			
Report of Master - - - - - -			
Requisition to enter Judgment, whether Final or Interlocutory, on Cognovit or otherwise, except a Final Judgment where Interlocutory Judgment has been already entered - -			
Summons to tax Costs - - - - - -			
Requisition to tax Costs not exceeding £20 - - -			
Requisition to tax Costs not exceeding £50 - - -			
Requisition to tax Costs not exceeding £100 - -			
Requisition to tax Costs exceeding £100 - - - -			

General Exemption from the foregoing Duties in respect of all Proceedings on behalf of Paupers admitted to sue or defend in formâ pauperis.

Superior Courts of Common Law (Ireland).

A

BILL

To amend the Process, Practice and Mode of pleading in the Superior Courts of Common Law at Dublin.

(*Prepared and brought in by*
Mr. Attorney-General for Ireland and Sir Robert Peel.)

Ordered, by The House of Commons, *to be Printed,*
29 *April* 1864.

[Bill 86.]

Under 17 *oz.*

12 *February* 1864. 27 Vict.

A

BILL

TO

Provide for the Abolition of certain Tests in connection with Academical Degrees in the University of Oxford.

Preamble.

17 & 18 Vict. c. 81. s. 44.

WHEREAS by the Forty-fourth Section of an Act passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled "An Act to make further Provision for the good Govern- " ment and Extension of the University of Oxford, of the Colleges " therein, and of the College of Saint Mary, Winchester," it was enacted, that from and after the First Day of Michaelmas Term One thousand eight hundred and fifty-four it should not be necessary for any Person, upon taking the Degree of Bachelor in Arts, Law, Medicine, or Music, in the University of Oxford, to make or subscribe any Declaration or take any Oath, any Law or Statute to the contrary notwithstanding, but that such Degree should not as such constitute any Qualification for the holding of any Office which had been theretofore always held by a Member of the United Church of England and Ireland, and for which such Degree in the said University had theretofore constituted one of the Qualifications, unless the Person obtaining such Degree should have taken such Oaths and subscribed such Declarations as were at that Time by

Law required to be made and taken on obtaining such Degree, either at the Time of taking such Degree or subsequently: And whereas it is expedient to abolish the Requirement of Religious Tests as a Qualification for Academical Degrees, other than those named in the above-recited Forty-fourth Section of the said Act, and to make such other Provisions as herein-after contained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons, on taking certain Degrees not named in 44th Section of recited Act, not to be required to subscribe Formula of Faith, &c.

1. From and after the First Day of Michaelmas Term One thousand eight hundred and sixty-four, no Person shall be required, upon taking or to enable him to take the Degree of Master in Arts or any other Academical Degree not named in the herein-before recited Forty-fourth Section of the said Act, to subscribe any Formulary of Faith, or to make or subscribe any Declaration, or to take any Oath concerning his Religious Faith or Profession, any Law or Statute to the contrary notwithstanding: Provided always, that such Degree shall not as such constitute any Qualification for the holding of any Office which has been heretofore always held by a Member of the United Church of England and Ireland, and for which such Degree has heretofore constituted one of the Qualifications, until the Person obtaining the same shall have subscribed a Declaration that he is a bonâ fide Member of the United Church of England and Ireland, in the Form contained in the Schedule to this Act annexed.

Proviso.

No Person on taking Degree of Bachelor in Arts, &c. to be required to sign Declaration, &c. under said 44th Section, as a Qualification for Office, but to subscribe instead thereof Declaration in Schedule.

2. No Person taking or having taken the Degree of Bachelor in Arts, Law, Medicine, or Music shall, from and after the said First Day of Michaelmas Term One thousand eight hundred and sixty-four, as a Qualification for any Office heretofore always held by a Member of the United Church of England and Ireland, and for which such Degree has heretofore constituted one of the Qualifications, be required, under the herein-before recited Forty-fourth Section of the said recited Act, to subscribe any Formulary of Faith, or to make or subscribe any Declaration or take any Oath concerning his Religious Faith or Profession, but shall instead, as a Qualification for any such Office, subscribe the Declaration contained in the said Schedule to this Act annexed.

SCHEDULE.

I do declare, That I am a bonâ fide Member of the United Church of England and Ireland as it is now by Law established.

Tests Abolition (Oxford).

A

BILL

To provide for the Abolition of certain Tests in connection with Academical Degrees in the University of Oxford.

(Prepared and brought in by
Mr. Dodson, Mr. Grant Duff, and Mr. Göschen.)

Ordered, by The House of Commons, *to be Printed,*
12 *February* 1864.

[Bill 18.]

Under 1 *oz.*

Thames Conservancy Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

1. Short Titles.
2. Construction as One Act with Principal Act.
3. Interpretation of Terms.
4. Mode of Publication of Notices, &c. by Conservators.

Addition of Elective Conservators.

5. Six Elective Conservators to be added to present Twelve nominated Conservators.
6. Constituencies for Election of additional Conservators.
7. Time for First Elections.
8. Time for subsequent Elections.
9. Days, Hours, and Places for Elections.
10. Regulations by Byelaws.

Election by Shipowners.

11. Qualification of Shipowners.
12. Annual List of Shipowners to be furnished to Conservators from Custom House.
13. Qualification of Representative of Shipowners.

Election by Owners of Passenger Steamers.

14. Qualification of Owners of Passenger Steamers.
15. Annual List of Owners of Passenger Steamers to be furnished to Conservators by Board of Trade.
16. Qualification of Representatives of Owners of Passenger Steamers.

Election by Owners of Lighters and Steam Tugs.

17. Qualification of Owners of Lighters and Steam Tugs.
18. List of Lighter-owners for First Election to be furnished to Conservators by Watermen's Company.
19. Penalty on Watermen's Company refusing or neglecting to furnish List, &c.
20. Registration with Conservators of Steam Tugs and Lighters.

21. List of Owners of Steam Tugs for First Election, and of Owners of Lighters and Steam Tugs for subsequent Elections, to be made by Conservators.
22. Qualification of Representatives of Owners of Lighters and Steam Tugs.

General Provisions as to Elections.

23. Votes to be given personally or by Proxy.
24. Returning Officer, and Return by him.
25. Owner of Passenger Steamer, Lighter, or Steam Tug not to have Vote as Shipowner.
26. Provision for Non-delivery of List.
27. Expenses to be paid by Conservators.

Duration of Office of Elective Conservators.

28. Rotation of Elective Conservators of different Classes.

Vacancies.

29. Appointment by Conservators in case of Failure to elect.
30. Mode of supplying casual Vacancies.
31. Vacation of Office by Loss of Qualification.
32. Error in Elections not to vitiate Acts done.

Byelaws.

33. Publication of proposed Byelaws, Consideration of Objections thereto, and Reference to the Queen in Council.
34. Byelaws to be printed and sold.
35. Proof of Byelaws.
36. Byelaws for this Act to be made under Principal Act.

Public Inquiry into Complaints.

37. On Complaint made, Conservator or Conservators to be deputed to sit in public, and make Inquiry.
38. Regulation of Proceedings by Byelaws.
39. Right for Persons complaining to state Complaint personally.
40. Saving for Power to hold Meetings in public.

Deputy Chairman.

41. Appointment of a Deputy Chairman; his Duties, &c.

Remuneration of Deputy Chairmen and Conservators.

42. Conservators with Approval of Treasury to be paid Sums annually.

Ballastage.

43. Discontinuance of exclusive Rights of Trinity House as to Supply of Ballast.
44. Power for Conservators to supply Ballast.
45. Power for Conservators to undertake Ballast-heaving.
46. Repeal of Provisions as to dredging, &c. by Trinity House.

Powers of Trinity House as to Sea Marks, &c.

47. Repeal of 8 Eliz. c. 13.

Buoyage, Beaconage, and Lighting.

48. Conservators to have sole Power of laying down Buoys and Beacons.
49. Transfer of existing Buoys and Beacons to Conservators.
50. Trinity House to have sole Control of lighting below Bridge.

Lighters and Steamboats.

51. Abolition of Control of Watermen's Company over Steamboats and Lighters.

Bumboats.

52. Byelaws for Regulation of Bumboats.

Protection of Fisheries.

53. Byelaws for Regulation of Fishing Boats, Nets, Seasons, &c.
54. Power for Water Bailiffs and other Officers to enter Fishing Boats, &c.

Tolls.

55. Power to Conservators to alter Steamboat Tolls.
56. Power to take Tolls for Moorings and for Lighters and Steam Tugs.

Navigation Bonds.

57. Declaration of Liability of Conservators in respect of Navigation Bonds.

Audit.

58. Treasury to appoint Auditor of Accounts of Conservators.

Injuries

Injuries to River by throwing in Ballast, &c.

59. Prohibition of throwing Ballast, &c. into River, or allowing offensive Matter to flow into it.

Protection of Officers.

60. Penalty for assaulting Constable, &c.

Procedure, &c.

61. Jurisdiction of Justices of Kent, Essex, and Gravesend.
62. Venue for Trial of Offences.
63. Application of pecuniary Penalties.

Savings.

64. Act not to affect Rights, &c. saved by Principal Act, except as expressly provided.
SCHEDULE.

A

BILL

To amend the Laws relating to the Conservancy of the River Thames; and for other Purposes relating thereto.

Preamble.

WHEREAS it is expedient to provide for the Addition to the Conservators of the River Thames of a certain Number of Elective Conservators, and to discontinue the exclusive Rights of the Trinity House in relation to the Supply of Ballast in the River Thames, and to vest in the Conservators, instead of in the Watermen's Company, the Control of River Steamboats, Barges, and Lighters navigating the River Thames, and to make better Provision for the Protection and Regulation of the Fishery in the River Thames, and in other respects to amend the Laws relating to the River Thames, and particularly The Thames Conservancy Act, 1857 (hereafter in this Act called the Principal Act):

20 & 21 Vict. c. civ.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Titles.

1. This Act may be cited as The Thames Conservancy Act, 1864, and the Principal Act and this Act may be cited together as The Thames Conservancy Acts, 1857 and 1864.

Construction as One Act with Principal Act.

2. The Provisions of the Principal Act, save so far as they are expressly repealed or varied by or inconsistent with the Provisions of this Act, shall be incorporated with this Act; and this Act shall be read and have Effect together with the Principal Act as One Act; and for this Purpose the Expression "this Act," when used in the Principal Act, shall be taken to apply to the present Act as well as to the Principal Act, as the Case may require.

Interpretation of Terms.

3. In this Act—

The Term "the Board of Trade" means the Lords of the Committee of the Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "the Trinity House" means the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided Trinity and of Saint Clement in the Parish of Deptford Strond in the County of Kent:

The Term "the Watermen's Company" means the Master, Wardens, and Commonalty of Watermen and Lightermen of the River Thames:

The Term "Byelaw" includes Rule, Order, and Regulation:

The Term "Fishery" includes Oyster and Shell Fishery, and the Term "Fish" includes Oysters and Shell Fish, and also the Spawn, Brood, or Fry of Fish, Oysters, and Shell Fish.

Terms to which Meanings are assigned by the Principal Act, or which have therein special Meanings, have in this Act the same respective Meanings.

Mode of Publication of Notices, &c. by Conservators.

4. Where the Conservators are by this Act required to publish any Notice or Byelaw they shall do so by inserting the same *once* in the London Gazette, and by subsequently thereto inserting the same as an Advertisement *once* in each of *Two* successive Weeks in some One and the same Daily Morning Newspaper published in London or Middlesex; and such Publication shall be deemed to be completed on the Day on which the *Second* of such Advertisements appears.

Addition of Elective Conservators.

Six Elective Conservators to be added to present Twelve nominated Conservators.

5. In addition to the Twelve Conservators acting under the Principal Act, (to whom the Designation "the nominated Conservators," when hereafter used in this Act, refers,) there shall be *Six* Conservators elected under this Act, who shall severally have and be subject to all the same or the like Powers, Functions, Duties, Privileges, Obligations, Disabilities, and Disqualifications as the several Conservators acting under the Principal Act, so far as the same may be applicable, and except so far as is in this Act expressly otherwise provided; and the *Six* Conservators for the Time being elected under this Act shall be added to and incorporated with the existing Body Corporate of The Conservators of the River Thames, and shall, with the Twelve Conservators for the Time being acting under the Principal Act, constitute and be One and the same Body Corporate, in like Manner in all respects as if by the Principal Act Provision had been made for the Election of such additional *Six* Conservators, and their Incorporation as Members of the Body Corporate thereby constituted; and all the Provisions of the Principal Act or of any other Act relative to the Powers, Functions, Duties, Privileges, Obligations, or Proceedings of the Conservators as a Body, and all Acts and Proceedings done, taken, or pending by, against, or in relation to the Conservators as a Body, shall remain unaffected by the Addition to and Incorporation with that Body of the *Six* Conservators elected under this Act, and (except only as is in this Act expressly otherwise provided) shall in all respects be and continue as if this Act had not been passed.

Constituencies for Election of additional Conservators.

6. The *Six* additional Conservators (hereafter in this Act called Elective Conservators) shall, subject and according to the Provisions of this Act, be elected by the following Classes of Electors (of which Classes respectively they shall be deemed Representatives); namely,—

Three by Owners of Shipping registered in the Custom House Books of the Port of London (hereafter in this Act called Shipowners):

One by Owners of Steamers surveyed and certificated as Passenger Steamers by the Board of Trade (under The Merchant Shipping Act, 1854, and Acts amending the same), and plying on the River Thames, not Seaward of Gravesend (which Steamers are hereafter in this Act called Passenger Steamers):

17 & 18 Vict. c. 104.

Two by Owners of Lighters and Steam Tugs used on the River Thames.

Time for First Elections.

7. On or within *Seven Days* after the *First* Day of *December One thousand eight hundred and sixty-four*, Elections shall be held for all the *Six* Elective Conservators.

Time for subsequent Elections.

8. On or within *Seven Days* after the *First* Day of *December* in the Year One thousand eight hundred and sixty-five, and in every subsequent Year, Elections shall be held for filling up Vacancies among the Elective Conservators.

Days, Hours, and Places for Elections.

9. The Days, Hours, and Places on and at which the Elections by the several Classes of Electors are to be held shall be appointed by the Conservators.

Notice of every such Appointment shall be published by the Conservators, and such Publication shall be completed as to the Election by each Class of Electors not less than *Fourteen* or more than *Twenty-eight* Days before the Day appointed for that Election.

Regulations by Byelaws.

10. Subject to the Provisions of this Act, the Conservators shall from Time to Time by Byelaw regulate the Mode of conducting Elections under this Act.

Election by Shipowners.

Qualification of Shipowners.

11. The Qualification of Electors of Representatives of Shipowners shall be regulated as follows; namely,—

(1.) Every Shipowner registered as Owner of not less in the whole than *Two hundred and fifty* Tons of Shipping shall be qualified to give One Vote in respect of every *Two hundred and fifty* Tons of Shipping owned by him, for each Conservator to be elected as a Representative of Shipowners, so that the Votes of any Owner for any one Conservator do not exceed *Ten:*

(2.) Where a Ship is registered in the Name of One Person he shall be deemed the Owner:

(3.) Where a Ship is registered in distinct and several Shares in the Names of more Persons than One, the Tonnage shall be apportioned among the Owners as nearly as may be in proportion to their respective Shares, and each of such Persons shall be deemed the Owner of the Tonnage so apportioned to him:

(4.) Where a Ship is registered jointly, without Severance of Interest, in the Names of more Persons than One, the Tonnage shall, if it is sufficient, either alone or together with other Tonnage (if any) owned by such joint Owners, to give a Qualification to each of them, be apportioned equally between them; and each of such joint Owners shall be deemed to be the Owner of the equal Share so apportioned to him; but if it is not so sufficient, the whole of such Tonnage shall be deemed to be owned by such One of the joint Owners as is first named on the Register:

(5.) For the Purposes of any Apportionment under this Section, any Portion may be struck off, so as to produce a divisible Amount:

(6.) The whole Amount of Tonnage so owned by each Person, whether in Ships or in Shares of or Interests in Ships, shall be added together, and if sufficient shall constitute his Qualification.

Annual List of Shipowners to be furnished to Conservators from Custom House.

12. The Electors of Representatives of Shipowners shall be ascertained for the Purposes of each Election as follows; namely,—

(1.) On or as soon as may be after the *First* Day of *October* in the Year *One thousand eight hundred and sixty-four*, and in every subsequent Year, the Registrar of Shipping for the Port of London shall, with the Assistance of the Registrar General of Seamen, make out a List of the Persons and Bodies Corporate who are by virtue of this Act entitled on each such *First* Day of *October* to vote at the Election of a Representative of Shipowners:

(2.) The List shall contain in Alphabetical Order the Surname of every Person so entitled, with his Christian Name or Names, and his Place of Business or Residence, and the Name of every Body Corporate so entitled, with their Place of Business, and with the Number of Votes to which every such Person or Body Corporate is entitled:

(3.) The List shall be signed by the Registrar of Shipping:

(4.) The List shall be delivered to the Conservators on or within *Seven Days* after the *First* Day of *November* in each Year:

(5.) The Conservators shall pay all Expenses properly incurred by the Registrar of Shipping in making the List:

(6.) The List shall be conclusive Evidence that the Persons and Bodies Corporate therein named, and no others, are entitled to vote at the Election of any Conservator as Representative of Shipowners to be held in the Month of *December* next after the List is made out, and that those Persons and Bodies Corporate respectively are entitled to the Number of Votes stated in the List:

(7.) Within *Seven Days* after the Delivery of the List to the Conservators, they shall cause the same to be printed, and thenceforth until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Qualification of Representative of Shipowners.

13. Every Male Person of full Age entitled to vote at an Election of a Conservator as Representative of Shipowners, or a Member of the Board of Directors or other governing Body of a Body Corporate entitled so to vote, shall be qualified, and no other Person shall be qualified, to be elected as such Representative at that Election.

Election by Owners of Passenger Steamers.

Qualification of Owners of Passenger Steamers.

14. The Qualification of Electors of the Representative of Owners of Passenger Steamers shall be regulated as follows; namely,—

(1.) The Ownership of each Passenger Steamer shall confer on the Owner or Owners thereof the Right to *One* Vote and no more at each Election, so that the Votes of any Owner do not exceed *Ten*:

(2.) For the Purposes of such Election, the Person or Persons, or Body Corporate, entered on the Books of the Board of Trade as the Owner or Owners of each Passenger Steamer, shall be deemed the Owner or Owners thereof:

(3.) Where more Persons than One are entered on the Books of the Board of Trade as Owners of a Passenger Steamer, such One of those Persons as is first entered on those Books shall alone be qualified to vote in respect of such Passenger Steamer at any such Election.

Annual List of Owners of Passenger Steamers to be furnished to Conservators by Board of Trade.

15. The Electors of the Representative of Owners of Passenger Steamers shall be ascertained for the Purposes of each Election as follows; namely,—

(1.) On or as soon as may be after the *First Day* of *October* in the Year *One thousand eight hundred and sixty-four*, and in every subsequent Year, the Board of Trade shall make out a List of the Persons or Bodies Corporate who are by virtue of this Act entitled on each such *First* Day of *October* to vote at the Election of a Representative of Owners of Passenger Steamers:

(2.) The List shall contain in Alphabetical Order the Surname of every Person so entitled, with his Christian Name or Names, and his Place of Business or Residence, and the Corporate Name of every Body Corporate so entitled, with their Place of Business, and with the Number of Votes to which each such Person and Body Corporate is entitled:

(3.) The List shall be signed by One of the Secretaries of the Board of Trade:

(4.) The List shall be delivered to the Conservators on or within *Seven Days* after the *First* Day of *November* in each Year:

(5.) The Conservators shall, if required, pay all Expenses incurred by the Board of Trade in making the List:

(6.) The List shall be conclusive Evidence that the Persons and Bodies Corporate therein named, and no others, are entitled to vote at the Election of a Conservator as Representative of the Owners of Passenger Steamers to be held in the Month of *December* next after the List is made out, and that those Persons and Bodies Corporate respectively are entitled to the Number of Votes stated in the List:

(7.) Within *Seven Days* after the Delivery of the List to the Conservators, they shall cause the same to be printed, and thenceforth until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Qualification of Representatives of Owners of Passenger Steamers.

16. Every Male Person of full Age entitled to vote at the Election of a Conservator as Representative of Owners of Passenger Steamers, or a Member of the Board of Directors or other governing Body of a Body Corporate entitled so to vote, shall be qualified, and no other Person shall be qualified to be elected as such Representative at that Election.

Election by Owners of Lighters and Steam Tugs.

Qualification of Owners of Lighters and Steam Tugs.

17. The Qualification of Electors of Representatives of Owners of Lighters and Steam Tugs shall be regulated as follows; namely,—

(1.) The Ownership of each Lighter and the Ownership of each Steam Tug shall confer on the Owner or Owners of such Lighter or Steam Tug the Right to *One* Vote and no more at each Election, so that the Votes of any Owner for any One Conservator do not exceed *Ten :*

(2.) For the Purposes of such Election, the Person or Persons or Body Corporate entered on any Register kept by the Watermen's Company or by the Conservators as the Owner or Owners of each Lighter or Steam Tug, shall be deemed the Owner or Owners thereof:

(3.) Where more Persons than One are entered on any such Register as Owners of a Lighter or Steam Tug, such One of those Persons as is first entered on the Register shall alone be qualified to vote in respect of such Lighter or Steam Tug at any such Election.

List of Lighter-owners for First Election to be furnished to Conservators by Watermen's Company.

18. The Electors of Representatives of Owners of Lighters and Steam Tugs shall, as to Owners of Lighters, for the Purposes of the First Election, be ascertained as follows; namely,—

(1.) On or as soon as may be after the *First* Day of *October One thousand eight hundred and sixty-four* the Watermen's Company shall make out a List of the Persons and Bodies Corporate who on that Day stand registered under The Watermen's and Lightermen's Amendment Act, 1859, as Owners of Lighters (within the Meaning of the Term Lighters as used in this Act):

22 & 23 Vict. c. cxxxiii. s. 43.

(2.) The List shall be arranged in Columns or in other convenient and suitable Form, and shall contain in Alphabetical Order the Surname of every Person so registered, with his Christian Name or Names (if and as so registered) and his Place of Abode, and the Name of every Body Corporate so registered, with their Place of Business (if and as so registered), and with in every Case, in connexion with the Name of every such Person or Body Corporate, the Number of Lighters, the Names whereof on such *First* Day of *October* stand registered under the last-mentioned Act as owned by each such Person and Body Corporate:

(3.) The List shall be certified under the Common Seal of the Company, and under the Hands of the Master and of the Clerk of the Company, as a true and correct List for the Purposes and according to the Requirements of this Act:

(4.) The List shall be delivered to the Conservators within *Fourteen* Days after the *First* Day of *October One thousand eight hundred and sixty-four:*

(5.) The Conservators shall pay all Expenses properly incurred by the Watermen's Company in making the List, the Amount thereof to be, in case of Difference, determined by an Arbitrator to be appointed by the Board of Trade, whose Decision shall be final:

(6.) The Watermen's Company shall, during *Fourteen Days* after the Delivery of the List, afford to the Conservators, their Officers and Agents, Access at all reasonable Times, without Payment, to the Book or Books kept by the Watermen's Company for the Purposes of the Registration of Lighters under The Watermen's and Lightermen's Amendment Act, 1859, in order to enable the Conservators to compare the List delivered with such Book or Books, and to revise the same by such Comparison, and the Conservators shall compare and revise the same accordingly, and the Secretary of the Conservators shall sign the revised List:

(7.) The List so revised and signed shall be conclusive Evidence that the Persons and Bodies Corporate therein named, and no others, are entitled as Owners of Lighters to vote at the Election of Representatives of Owners of Lighters and Steam Tugs to be held in the Month of *December One thousand eight hundred and sixty-four*, and that those Persons and Bodies Corporate respectively are entitled each to One Vote at that Election for each Lighter stated in the List to be registered as owned by them:

(8.) Within *Fourteen* Days after the Revision of the List by the Conservators they shall cause the same to be printed, and thenceforth until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Penalty on Watermen's Company

19. If the Watermen's Company refuse or neglect to make and deliver such List as by this Act is required, or to afford Access to any

Book

refusing or neglecting to furnish List, &c.

Book, in conformity with the Requirements of this Act, or in any respect to comply with the Requirements of this Act relative to such List as aforesaid, then they (the Watermen's Company) shall for every such Offence be liable to a Penalty not exceeding *One hundred Pounds*, and in case of a continuing Offence to a further Penalty not exceeding *Twenty Pounds* for every Day during which such Offence continues after the Penalty of *One hundred Pounds* is incurred, until the *Eighth* Day of *December One thousand eight hundred and sixty-four* inclusive; and every such Penalty may be sued for and recovered only by the Conservators in One of the Superior Courts, and the Amount of any such Penalty, when recovered, shall be carried to and form Part of the Conservancy Fund.

Registration with Conservators of Steam Tugs and Lighters.

20. The Registration of Steam Tugs and Lighters shall be regulated as follows; namely,—

(1.) From and after *the passing of this Act* the Owner for the Time being of every Steam Tug used on the River Thames, and from and after the *First* Day of *January One thousand eight hundred and sixty-five* the Owner for the Time being of every Lighter used on the River Thames, shall cause the Name of the Steam Tug or Lighter, and his own Name and Place of Business or Residence, and every Change thereof, to be from Time to Time registered in a Book to be kept by the Conservators for the Purpose, and shall deliver to the Conservators a Statutory Declaration of the Ownership of the Steam Tug or Lighter, and thereupon the Conservators shall deliver to him a Certificate of Registration, to be renewed annually:

(2.) If any Owner of a Steam Tug or Lighter uses the same without having first so registered the same and obtained such Certificate, or without having obtainedl the annua Renewal of such Certificate, he shall for every such Offence be liable to a Penalty not exceeding *Ten Pounds*:

(3.) There shall be paid to the Conservators, for the original Registration of every such Steam Tug or Lighter, such Sum as may from Time to Time be appointed by Byelaw, not exceeding *Ten Shillings*, and for the Registration of any Change in the Place of Business or Residence of the Owner such Sum as may from Time to Time be appointed by Byelaw, not exceeding *Two Shillings and Sixpence*, and for each annual Renewal of the Certificate of Registration such Sum as may from Time to Time be appointed by Byelaw, not exceeding *Two Shillings and Sixpence*:

(4.) Provided that where, on the *First* Day of *October One thousand eight hundred and sixty-four*, any Lighter stands registered in the Books of the Watermen's Company, and the same is within *Three Months* after the *First* Day of *January One thousand eight hundred and sixty-five* registered under this Act, there shall be payable on such last-mentioned Registration the Sum payable on Renewal of a Certificate of Registration, and no more.

List of Owners of Steam Tugs for First Election, and of Owners of Lighters and Steam Tugs for subsequent Elections, to be made by Conservators.

21. The Electors of Representatives of Owners of Lighters and Steam Tugs shall, as to Owners of Steam Tugs for the Purposes of the First Election, and as to Owners of Lighters and Steam Tugs for the Purposes of every subsequent Election, be ascertained as follows; namely,—

(1.) On or as soon as may be after the *First* Day of *October One thousand eight hundred and sixty-four* as to Owners of Steam Tugs, and on or as soon as may be after the *First* Day of *October* in the Year One thousand eight hundred and sixty-five, and in every subsequent Year, as to Owners of Lighters and Steam Tugs, the Conservators shall make out a List of the Persons and Bodies Corporate who are by virtue of this Act entitled on each such *First* Day of *October* to vote at the Election of Representatives of Owners of Lighters and Steam Tugs:

(2.) The List shall contain in Alphabetical Order the Surname of every Person so entitled, with his Christian Name or Names, and his Place of Business or Residence, and the Name of every Body Corporate so entitled, with their Place of Business, and with the Number of Votes to which every such Person or Body Corporate is entitled:

(3.) The List shall be conclusive Evidence, as to the Election to be held in the Month of *December One thousand eight hundred and sixty-four*, that the Persons and Bodies Corporate therein named, and no others, are entitled as Owners of Steam Tugs to vote at that Election of Representatives of Owners of Lighters and Steam Tugs, and as to every subsequent Election, that the Persons and Bodies Corporate therein named, and no others, are entitled to vote at the Election of Representatives of Owners of Lighters and Steam Tugs to be held in the Month of *December* next after the List is made out, and as to the First and every subsequent Election, that those Persons and Bodies Corporate respectively are entitled to the Number of Votes stated in the List:

(4.) Within Seven Days after the *First* Day of November in each Year the Conservators shall cause such List to be printed, and thenceforth until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

22. Every Male Person of full Age entitled to vote at the Election of a Conservator as Representative of Owners of Lighters and Steam Tugs, or a Member of the Board of Directors or other governing Body of a Body Corporate entitled so to vote, shall be qualified, and no other Person shall be qualified, to be elected as such Representative at that Election.

Qualification of Representatives of Owners of Lighters and Steam Tugs.

General Provisions as to Elections.

23. A Vote at any Election under this Act may be given either by the Elector personally or by another Elector as his Proxy, or in case of a Body Corporate by any Shareholder or Officer of the Body as their Proxy.

Votes to be given personally or by proxy.

The Appointment of a Proxy shall be made by an Instrument in Writing (in the Form given in the Schedule to this Act, with such Variations as Circumstances may require), signed by the Appointor, or if the Appointor is a Body Corporate sealed with their Common Seal, and in all Cases attested by *One* Witness at least.

An Instrument appointing a Proxy shall not be used at any Election unless it has been deposited at the Office of the Conservators not less than *Forty-eight* Hours before the Time appointed for that Election.

Any such Instrument shall not be valid except for the Election next after the Date of its Execution.

24. At the First Elections held under this Act, such One of the nominated Conservators as the Conservators appoint for the Purpose, and at every subsequent Election the Deputy Chairman of the Conservators, appointed as in this Act is provided, and in his Absence such One of the nominated Conservators as the Conservators appoint for the Purpose, shall be the Returning Officer.

Returning Officer, and Return by him.

The Returning Officer shall, according to the best of his Judgment and Ability, make a true Return in Writing to the Conservators of the Person or Persons elected; and every Person so returned shall be deemed duly elected.

If in any Case there is an Equality of Votes for Two or more Candidates for Election to fill One Vacancy there shall be deemed to be a Failure to elect.

25. Where a Vessel, besides being certificated by the Board of Trade as a Passenger Steamer or registered as aforesaid as a Lighter or Steam Tug, is also registered with the Registrar of Shipping at the Custom House of the Port of London, the Ownership of such Vessel shall, notwithstanding anything in this Act, not confer any Right of Voting at the Election of a Conservator as Representative of Shipowners; and it shall not be lawful for any Owner or any

Owner of Passenger Steamer, Lighter, or Steam Tug not to have Vote as Shipowner.

One

One of the Owners of such Vessel to vote in respect of such Vessel or of any Share thereof or Interest therein at any such last-mentioned Election.

If any Person votes in contravention of this Enactment, he shall for every such Offence be liable to a Penalty not exceeding *Fifty Pounds.*

The Validity of any Election at which any Person so votes shall nevertheless be unaffected thereby.

Provision for Non-delivery of List.

26. In case any Election is prevented from being held in conformity with this Act by reason of any List that is by this Act required to be delivered to the Conservators not being delivered in conformity with this Act, or by reason of any other Accident or Circumstance, there shall be deemed to be a Failure to elect.

Expenses to be paid by Conservators.

27. The Expenses incurred in obtaining or printing Lists of Electors, or in providing Places for Elections, or by the Returning Officer, or otherwise, by or on behalf of the Conservators, in relation to Elections under this Act, shall be defrayed out of the Conservancy Fund.

Duration of Office of Elective Conservators.

Rotation of Elective Conservators of different Classes.

28. With respect to the Duration of Office of Elective Conservators, the following Provisions shall take effect; namely,—

(1.) One of the Conservators elected by Shipowners at the *First* Election shall go out of Office at the *Second* Election, a *Second* at the *Third* Election, and the *Third* at the *Fourth* Election:

(2.) The Conservator to go out at the *Second* and *Third* Elections respectively shall be determined by Agreement among the Conservators so elected, or in default of such Agreement by Lots drawn at a Conservancy Meeting by the Secretary of the Conservators:

(3.) Every Conservator elected by Shipowners at the *Second* and every subsequent Election shall go out of Office at the *Third* Election after his Election:

(4.) Every Conservator elected by Owners of Passenger Steamers shall go out of Office at the Election next after his Election:

(5.) One of the Conservators elected by Owners of Lighters and Steam Tugs at the *First* Election shall go out of Office at the *Second* Election, and the other at the *Third* Election:

(6.) The Conservator to go out at the *Second* Election shall be determined by Agreement between the Conservators so elected, or in default of such Agreement by Lots drawn at a Conservancy Meeting by the Secretary to the Conservators:

(7.) Every Conservator elected by Owners of Lighters and Steam Tugs, at the *Second* and every subsequent Election shall go out of Office at the *Second* Election after his Election:

(8.) Every Conservator going out of Office under this Section shall be re-eligible.

Vacancies.

Appointment by Conservators in case of Failure to elect.

29. In case, for any Reason, on any Occasion, there is a Failure on the Part of Shipowners or Owners of Passenger Steamers, or Owners of Lighters and Steam Tugs, to elect any Conservator, in conformity with this Act, the Conservators shall within *One Month* after such Failure appoint as Conservator a Person qualified to be elected by the Class of Electors so failing.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed shall, for the Purposes of this Act, in all respects be as if he had been elected by the Class of Electors so failing to elect.

Mode of supplying casual Vacancies.

30. Section Seven of the Principal Act shall not apply to an Elective Conservator.

If any Elective Conservator dies, or resigns, or if the Office of an Elective Conservator is vacated from any Cause other than that of his going out of Office by Rotation or by Effluxion of Time, the Conservators may, if they think fit, within *One Month* after the happening of such Vacancy, appoint in the Place of the vacating Conservator another Person having a Qualification of the same Nature as that had by the vacating Conservator.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed shall continue in Office only so long as the Person in whose Place he is appointed would have been entitled to continue in Office.

Vacation of Office by Loss of

31. If any Elective Conservator, or any Person appointed by the Conservators under this Act in the Place of an Elective Conservator, ceases

Qualification.

ceases to possess the Qualification requisite for his Election or Appointment as a Conservator, his Office shall be thereby vacated.

Error in Elections not to vitiate Acts done.

32. Any Act of the Conservators or of any of them shall not be invalidated or be illegal by reason of any Irregularity in the Election or Appointment under this Act of any Conservator, or by reason of the Nondelivery of or the too late Delivery of or any Error in any List of Voters, or by reason of any Irregularity in the making or publishing of any such List, or by reason of any Person not qualified or ceasing to be qualified acting as a Conservator, or by reason of any Failure or Omission on any Occasion to elect or appoint any Conservator under this Act, or by reason of any other Irregularity, Error, Failure, or Omission in or about any Election or in or about any Matter preliminary or incidental thereto.

Byelaws.

Publication of proposed Byelaws, Consideration of Objections thereto, and Reference to the Queen in Council.

33. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four* Section Forty-seven of the Principal Act shall be repealed (but not so as to affect any Byelaws or the Proof of any Byelaws made before the Commencement of such Repeal); and in lieu thereof the following Provisions shall take effect; namely,—

(1.) Byelaws made after the Commencement of such Repeal under the Authority of the Principal Act, for the Purposes of that Act or this Act, shall not have any Force unless and until they are allowed by Order of Her Majesty in Council:

(2.) When the Conservators propose to make any Byelaws they shall publish the proposed Byelaws:

(3.) Before the Conservators submit any proposed Byelaws for the Allowance of Her Majesty in Council, they shall, during *One Month* at least after the Publication thereof, afford to all Persons the Opportunity of making, in Writing or otherwise, Objections to or Representations respecting the proposed Byelaws; and the Conservators shall take all such Objections and Representations into consideration, and, if they think fit, may abstain from making, or may alter or add to the proposed Byelaws:

(4.) If any Alteration or Addition is so made, the Conservators shall publish the proposed Byelaws as so altered or added to, before submitting the same for the Allowance of Her Majesty in Council:

(5.) The Conservators, on submitting any proposed Byelaws for the Allowance of Her Majesty in Council, shall publish Notice that they have done so; and during *One Month* after the Completion of such Publication of Notice any Person may by Petition submit to Her Majesty in Council any Objection to or Representation respecting the proposed Byelaws.

Byelaws to be printed and sold.

34. The Conservators shall cause all Byelaws made by them after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four*, when the same are allowed, together with the Order in Council allowing the same, to be printed, and printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Proof of Byelaws.

35. A Copy of any Byelaw made by the Conservators after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four*, and allowed, purporting to be printed by Direction of the Conservators, and being authenticated by the Common Seal of the Conservators, and the Signature of the Secretary of the Conservators, shall for all Purposes and to all Intents be conclusive Evidence of such Byelaw and of the due making and Allowance thereof, without Proof of such Seal or Signature.

Byelaws for this Act to be made under Principal Act.

36. Subject to the Provisions of this Act, Byelaws made for the Purposes of this Act shall be made under the Authority of the Principal Act, and according and subject to the Provisions therein contained.

Public Inquiry into Complaints.

On Complaint made, Conservator or Conservators to be deputed to sit in public, and make Inquiry.

37. In case any Person complains of the Operation of any Byelaw of the Conservators, or of any Determination or Proceeding of the Conservators, or of the Conduct of any of their Officers, he shall, on an Application in Writing to the Conservators, stating the Substance of his Complaint, be entitled to have his Complaint publicly inquired into and decided on, in manner following; namely,—

(1.) On Receipt of such Application the Conservators shall depute *One* or more not exceeding *Three* of their Body to inquire into the Complaint:

(2.) A suitable Room shall be provided by the Conservators, to which the Complainant, his Agent or Attorney and Witnesses, and all other Persons interested or desirous of attending, shall have free Access:

(3.) The Conservator or Conservators so deputed shall receive the Statement of the Complainant, or his Agent or Attorney, and the Counter-Statement of any Person concerned, or his

Agent or Attorney, and shall hear any Arguments offered, and any Evidence adduced in support of such Statement or Counter-Statement, and he or they or One of them shall write down the Substance of such Statement, Counter-Statement, Arguments, and Evidence in a narrative Form, and he or they shall report the same, and his or their Opinion thereon, for the Information of the Conservators:

(4.) The Conservators shall consider the Report, and shall decide on the Complaint, and their Decision shall be delivered in public either on the same Day, or on a subsequent Day appointed for the Purpose.

Regulation of Proceedings by Byelaws.

38. The Conservators may from Time to Time by Byelaw regulate (subject to the Provisions of this Act) the Proceedings on any such public Inquiry.

Right for Persons complaining to state Complaint personally.

39. Notwithstanding anything in this Act, any Person not requiring a public Inquiry, but desirous of stating any Complaint personally to the Conservators, shall be at liberty to do so, on attending at the Office of the Conservators during a Conservancy Meeting, having made Application for that Purpose.

Saving for Power to hold Meetings in public.

40. Nothing in this Act shall restrict the Conservators from holding any Conservancy Meeting, if they think fit, in a Room to which the Public may have Access.

Deputy Chairman.

Appointment of a Deputy Chairman; his Duties, &c.

41. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four*, the following Parts of the Principal Act shall be repealed; namely,—

(1.) So much of Section Twenty-one as enacts that in case the Lord Mayor shall be absent then the Conservators present shall appoint some One of their Body to preside as Chairman for the Day, or during the Absence of the Lord Mayor:

(2.) So much of Section Twenty-five as enacts that at all Meetings of a Committee, in case of the Absence of the Lord Mayor, One of the Members present shall be appointed Chairman:

And in lieu thereof the following Provisions shall take effect; namely,—

(1.) At the *First* Conservancy Meeting held in the Year *One thousand eight hundred and sixty-five*, and afterwards at Conservancy Meetings from Time to Time as Occasion may require, (Notice of every such Meeting having been given in manner required for Special Meetings,) the Conservators shall elect from among themselves a Deputy Chairman:

(2.) At all Meetings of the Conservators the Deputy Chairman, if present, shall preside in the Absence of the Lord Mayor; and the Deputy Chairman shall ex officio be a Member of all Committees of the Conservators, and at all Meetings of such Committees the Deputy Chairman, if present, shall preside in the Absence of the Lord Mayor; and in case of the Absence from any Meeting of the Conservators, or of any such Committee, of both the Lord Mayor and Deputy Chairman One of the Conservators or Members present shall be elected Chairman:

(3.) The Deputy Chairman shall (unless he ceases to be a Conservator) hold Office for *Three* Years from the Time of his Election, but shall be re-eligible:

(4.) The Office of Deputy Chairman shall not be deemed an Office or Place of Profit within the Meaning of Section Eleven of the Principal Act.

Remuneration of Deputy Chairman and Conservators.

Conservators, with Approval of Treasury, to be paid Sums annually.

42. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four*, the Conservators every Year shall set apart out of the Conservancy Fund such Sum not exceeding in any Year *One thousand five hundred* Pounds as the Conservators, with the Approval of the Commissioners of Her Majesty's Treasury, think fit, and shall thereout pay to the Deputy Chairman as Remuneration for his Services such Sum not exceeding in any Year *Five hundred* Pounds as the Conservators, with the like Approval, think fit, and shall divide the Residue among the several Conservators (other than the Deputy Chairman) as the Conservators from Time to Time think fit.

Ballastage.

Discontinuance of exclusive Rights of Trinity House as to Supply of Ballast.
6 & 7 Vict. c. lvii.

43. From and after the Expiration of the Act of the Session of the Sixth and Seventh Years of Her Majesty, (Chapter Fifty-seven, Local and Personal,) "for the Regulation of Lastage and Ballastage "in the River Thames," the Supply of Ballast in the River Thames shall be free, any Act, Charter, or Grant notwithstanding.

Power for Conserva-

44. The Conservators may, if they think fit, undertake the supplying of Vessels in the River Thames with Ballast, on such tors to supply Ballast.

Terms as they from Time to Time think fit; and any Money coming to them in respect thereof shall form Part of the Conservancy Fund.

Power for Conservators to undertake Ballast-heaving.

45. The Conservators may, if they think fit, undertake to place Ballast on board Vessels in the River Thames, or to unload Ballast therefrom, on such Terms as they from Time to Time think fit; and any Money coming to them in respect thereof shall form Part of the Conservancy Fund; and the Conservators may, if they think fit, take over and continue any existing Arrangements for the registering or employing of Ballast-getters or Ballast-heavers.

Repeal of Provisions as to dredging, &c. by Trinity House.

46. From and after the Expiration of the said Act of the Session of the Sixth and Seventh Years of Her Majesty, Sections One hundred and nine and One hundred and ten of the Principal Act shall be repealed.

Powers of Trinity House as to Sea Marks, &c.

Repeal of 8 Eliz. c. 13.

47. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four,* the Act of the Eighth Year of Queen Elizabeth (Chapter Thirteen), "to enable the Trinity House "to erect Sea Marks and give Licence to Mariners to row on the "River of Thames," shall be repealed.

Buoyage, Beaconage, and Lighting.

Conservators to have sole Power of laying down Buoys and Beacons.

17 & 18 Vict. c. 104.

48. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four,* the Power to place or lay down Buoys and Beacons conferred on the Conservators by Section Eighty-eight of the Principal Act shall be vested in the Conservators exclusively, anything in Part VI. of The Merchant Shipping Act, 1854, or in any other Act, or in any Charter or Grant, notwithstanding.

Transfer of existing Buoys and Beacons to Conservators.

49. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four,* the Property in and Authority over and Obligations respecting Buoys and Beacons theretofore laid down by the Trinity House within the Jurisdiction of the Conservators shall be transferred to and vested in and imposed on the Conservators.

Trinity House to have sole Control of lighting below Bridge.

50. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four,* it shall not be lawful for the Conservators to place any new Lighthouse at any Point below London Bridge; and from and after that Day the Property in and Authority over and Obligations respecting any Lighthouse theretofore placed by the Conservators below London Bridge shall be transferred to and vested in and imposed on the Trinity House, and the Provisions of The Merchant Shipping Act, 1854, and of any Act amending the same, shall apply to such Lighthouses.

Lighters and Steamboats.

Abolition of Control of Watermen's Company over Steamboats and Lighters.

22 & 23 Vict. c. cxxxiii.

51. From and after the *First* Day of *October One thousand eight hundred and sixty-four*, there shall be repealed so much of The Watermen's and Lightermen's Amendment Act, 1859, as relates to or affects any River Steamboat, or any Craft being a Lighter within the Meaning of this Act, or any Owner of or Person employed in working or navigating or having or taking charge of any River Steamboat or of any such Craft as aforesaid; and from and after the same Day all Byelaws made under the Provisions so repealed shall, so far as they relate to or affect any such Steamboat, Craft, Owner, or Person, cease to operate.

Bumboats.

Byelaws for Regulation of Bumboats.

52. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four*, the Conservators may from Time to Time make Byelaws for the registering and regulating of Bumboats,—that is to say, Craft used for the Purposes of Dealings in Provisions, Liquors, Stores, or other Goods with Seamen or others employed on or about the River Thames,—and of the Persons working or using such Bumboats.

Protection of Fisheries.

Byelaws for Regulation of Fishing Boats, Nets, Seasons, &c.

53. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-four*, the Conservators may from Time to Time make Byelaws for the following Purposes or any of them; namely,—

For the protecting, preserving, and regulating of the Fisheries in the River Thames, and the Preservation of the Fish therein:

For the registering and regulating of the Fishing Boats or Vessels on the River Thames, and the governing of the Fishermen and others using or working the same:

For the Prohibition of the Use of Nets and Apparatus improper to be used for taking Fish:

For determining the Times during which the taking of any particular or specified Kinds of Fish shall not be practised:

For determining and regulating the Duties of Water Bailiffs or other proper Officers to be appointed by the Conservators to carry such Byelaws into execution:

And from and after the Commencement of the Operation of any such Byelaws the Act of the Thirtieth Year of King George the Second (Chapter Twenty-one), "for the more effectual Preservation "and Improvement of the Spawn and Fry of Fish in the River "Thames and Waters of Medway, and for the better regulating "the Fishery thereof," shall be repealed, so far as the Provisions thereof relate to the River Thames in respect of any of the Matters comprised in such Byelaws.

30 Geo. 2. c. 21.

Power for Water Bailiffs and other Officers to enter Fishing Boats, &c.

54. Any Water Bailiff or Officer appointed by the Conservators to carry into execution any Byelaws relating to Fisheries, and also any other Person specially authorized in this Behalf by Writing under the Common Seal of the Conservators, may enter into any Fishing Boat or other Vessel employed, or about to be or having been employed, in fishing or taking Fish or endeavouring to take Fish on the River Thames, and may therein search for Fish unlawfully taken, and any unlawful or prohibited Net or Apparatus for taking or destroying Fish, and may seize any such Fish, Net, or Apparatus found therein, and may also seize, on the Shore of the River Thames, any Fish unlawfully taken, or any unlawful or prohibited Net or Apparatus for taking or destroying Fish.

Any such Water Bailiff, Officer, or Person shall, with all practicable Speed after so seizing any Fish or Net or Apparatus, bring the same before a Justice of the Peace, to be dealt with in pursuance of the Byelaws, or otherwise according to Law.

Tolls.

Power to Conservators to alter Steamboat Tolls.

55. In lieu of all or any Part of the Tolls leviable under Section Sixty-five of the Principal Act on Steam and other Passage Vessels mentioned in that Section, the Conservators may from Time to Time, by Byelaw, appoint Tolls to be levied thereon (either in all Cases or in certain Cases to be defined by Byelaw) according to the Number of Passengers landed at or embarked from any Pier or Landing-place in that Section mentioned.

Power to take Tolls for Moorings and for Lighters and Steam Tugs.

56. The Conservators may levy on Vessels not paying Tonnage or other Dues under the Principal Act, and using any of the Moorings on the River Thames belonging to the Conservators, in respect of the Use of such Moorings, and on Lighters and Steam Tugs used on the River Thames, such reasonable Tolls or Dues as may from Time to Time be fixed by the Conservators by Byelaw.

Navigation Bonds.

Declaration of Liability of Conser-

57. The Conservators shall be liable, and shall be deemed to have been always since their Incorporation liable, to pay the Sum of

One hundred and thirty thousand nine hundred Pounds borrowed before the passing of the Principal Act on the Security of Tolls leviable on the Navigation of the River Thames, with Interest on that Sum, in all respects as the Mayor, Aldermen, and Commons of the City of London in Common Council assembled would have been liable to pay the same Sum and Interest if the Principal Act Act had not been passed; and the same Sum and Interest shall be, and shall be deemed to have always been, since and notwithstanding the passing of the Principal Act, charged on the same Tolls, Duties, and Property on which the same stood charged at the passing of the Principal Act.

vators in respect of Navigation Bonds.

Audit.

Treasury to appoint Auditor of Accounts of Conservators.

58. Section One hundred and seventeen of the Principal Act, and all Provisions relative thereto, shall be read and construed as if, in lieu of the Power to appoint an Auditor of the Accounts of the Conservators conferred by the last-mentioned Section on the Authority in that Section mentioned, the Commissioners of Her Majesty's Treasury were thereby directed to appoint such an Auditor, and the Commissioners of Her Majesty's Treasury shall annually appoint such an Auditor accordingly.

Injuries to River by throwing in Ballast, &c.

Prohibition of throwing Ballast, &c. into River, or allowing offensive Matter to flow into it.

59. If any Person, without lawful Excuse (the Proof whereof shall lie upon him), does any of the following Things; namely,

(1.) Unloads, throws, or puts or causes or suffers to fall any Gravel or other Substance which has been used as Ballast, or any Stones, Earth, Mud, Ashes, or Rubbish, or any Refuse from Gasworks or other Manufactories, into the River Thames or on the Shore thereof:

(2.) Unloads, throws, or puts or causes or suffers to fall any such Gravel or other Thing as aforesaid into any River, Stream, Cut, Dock, Canal, or Watercourse communicating with the River Thames at any Point within *Three* Miles of the River Thames, measured in a direct Line therefrom, so that the same will be carried or be likely to be carried by, through, or out of such River, Stream, Cut, Dock, Canal, or Watercourse into the River Thames:

(3.) Knowingly puts any such Gravel or other Thing as aforesaid in any Place where the same is likely to be carried by Floods or extraordinary Tides into the River Thames:

(4.) Causes or suffers any Washing or other Substance produced in making or supplying Gas, or any other offensive Matter, to flow into the River Thames, or to flow into any River, Stream, Cut, Dock, Canal, or Watercourse aforesaid, within the Distance aforesaid, so that the same will be carried or be likely to be carried by, through, or out of the same into the River Thames;

he shall for every such Offence be liable to a Penalty not exceeding *Twenty Pounds.*

Where any Offence against this Enactment is committed from or out of a Vessel, the Master and the Owner of the Vessel shall be liable to be proceeded against and punished under this Enactment, so that the Master and the Owner of the Vessel be not both punished in respect of the same Offence.

Any Constable, and any Person whom a Constable may call to his Assistance, may take into Custody without Warrant any Person found committing any Offence against this Enactment.

Provided, that this Enactment shall not prohibit the Flow into the River Thames, or into any River, Stream, Cut, Dock, Canal, or Watercourse, of any Sewage that may lawfully be caused or suffered so to flow.

Protection of Officers.

Penalty for assaulting Constable, &c.

60. If any Person assaults or resists, or aids or incites any Person to assault or resist, any Constable, Water Bailiff, or other Officer or Person in the Execution of his Duty or the lawful Exercise of any Authority under the Principal Act or under this Act, or under any Byelaw of the Conservators made or to be made, such Offender shall for every such Offence be liable to a Penalty not exceeding *Five Pounds.*

Procedure, &c.

Jurisdiction of Justices of Kent, Essex, and Gravesend.

61. For the Purposes of the Principal Act and of this Act, and of any Byelaw of the Conservators made or to be made, the Jurisdiction of all Justices of the Peace for the Counties of Essex and Kent respectively, and of the Magistrates of the Borough of Gravesend in the County of Kent, shall extend over the whole of the Waters of the River Thames and the Banks and Shores thereof between Broadness Point and the Lower Hope.

Venue for Trial of Offences.

62. For the Purposes of Proceedings under the Principal Act or under this Act, or under any Byelaw of the Conservators made or to be made, every Offence shall be deemed to have been committed, and every Cause of Complaint under the Principal Act or this Act or any Byelaw shall be deemed to have arisen, either in the Place in which the same actually was committed or arose, or in any Place in which the Offender or Person complained against may be.

63. Where under the Principal Act or under this Act, or under any Byelaw of the Conservators made or to be made, any pecuniary Penalty or Forfeiture is recovered by the Conservators in a summary Manner, the same shall be paid to the Conservators, and shall form Part of the Conservancy Fund, anything in the Act of the Session of the Second and Third Years of Her Majesty (Chapter Seventy-one), " for regulating the Police Courts in the Metropolis," notwithstanding.

Application of pecuniary Penalties.

2 & 3 Vict. c. 71. s. 47.

Savings.

64. This Act, or any Power conferred by this Act, or any Byelaw made or other Thing done under any such Power, shall not—

Act not to affect Rights, &c. saved by Principal Act, except as expressly provided.

(1.) Take away, alter, interfere with, abridge, prejudice, or derogate from any Right, Title, Claim, Privilege, Franchise, Exemption, Immunity, Possession, Profit, Power, Jurisdiction, or Authority saved or intended to be saved from or out of the Operation of the Principal Act by the following Sections thereof, namely, Sections Fifty-one, Eighty, One hundred and sixty-four, One hundred and sixty-six to One hundred and sixty-eight, and One hundred and seventy to One hundred and seventy-nine (all inclusive), or any of them:

(2.) Repeal, alter, or prejudicially affect the same Sections or any of them, or any Enactment saved or intended to be saved from or out of the Operation of the Principal Act by the same Sections or any of them, or take away or alter any Restriction imposed on the Conservators by the same Sections or any of them:

(3.) Take away, alter, interfere with, abridge, prejudice, or derogate from any Right, Title, Claim, Privilege, Franchise, Exemption, Immunity, Possession, Profit, Power, Jurisdiction, or Authority saved or intended to be saved from or out of the Operation of the Principal Act by Sections One hundred and sixty-five and One hundred and sixty-nine thereof, or either of them, further or otherwise than is expressly provided by this Act.

SCHEDULE.

Form of Proxy Paper.

THE THAMES CONSERVANCY ACT, 1864.

I, *A.B.*, of , being entitled to Votes at the Election of a Conservator, as Representative of Owners of Passenger Steamers [*or as the Case may be*], at the Election to be held in the Month of December 186 , do by this Writing appoint *C.D.*, of , to be my Proxy to vote on my Behalf at that Election.

(Signed) *A.B.*

Witness,

X.Y.,

of .

Thames Conservancy.

A

BILL

To amend the Laws relating to the Conservancy of the River Thames; and for other Purposes relating thereto.

(Prepared and brought in by
Mr. Hutt and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
11 *April* 1864.

[Bill 60.]

Under 4 *oz.*

Thames Conservancy Bill.

[AS AMENDED BY THE SELECT COMMITTEE].

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68. Saving certain Rights in Fisheries.

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74. Prohibition of throwing Ballast, &c. into River, or allowing offensive Matter to flow into it.
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SCHEDULE.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Laws relating to the Conservancy of the River Thames; and for other Purposes relating thereto.

WHEREAS it is expedient to provide for the Addition to the Conservators of the River Thames of a certain Number of Elective Conservators, and to discontinue the exclusive Rights of the Trinity House in relation to the Supply of Ballast in the River Thames, and to amend the Watermen's and Lightermen's Amendment Act, 1859, (herein-after called the Watermen's Company's Act,) and to make better Provision for the Protection and Regulation of the Fishery in the River Thames, and in other respects to amend the Laws relating to the River Thames, and particularly The Thames Conservancy Act, 1857 (hereafter in this Act called the Principal Act): **Preamble.** 20 & 21 Vict. c. cxlvii.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Thames Conservancy Act, 1864, and the Principal Act and this Act may be cited together as The Thames Conservancy Acts, 1857 and 1864. **Short Titles.**

Construction as One Act with Principal Act.

2. The Provisions of the Principal Act, save so far as they are expressly repealed or varied by or inconsistent with the Provisions of this Act, shall be incorporated with this Act; and this Act shall be read and have Effect together with the Principal Act as One Act; and for this Purpose the Expression "this Act," when used in the Principal Act, shall be taken to apply to the present Act as well as to the Principal Act, as the Case may require.

Interpretation of Terms.

3. In this Act—

The Term "the Board of Trade" means the Lords of the Committee of the Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "the Trinity House" means the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided Trinity and of Saint Clement in the Parish of Deptford Strond in the County of Kent:

The Term "the Watermen's Company" means the Master, Wardens, and Commonalty of Watermen and Lightermen of the River Thames:

The Term "Byelaw" includes Rule, Order, and Regulation:

The Term "Fishery" includes Oyster and Shell Fishery, and the Term "Fish" includes Oysters and Shell Fish, and also the Spawn, Brood, or Fry of Fish, Oysters, and Shell Fish.

Terms to which Meanings are assigned by the Principal Act, or which have therein special Meanings, have in this Act the same respective Meanings.

Mode of Publication of Notices, &c. by Conservators.

4. Where the Conservators are by this Act required to publish any Notice or Byelaw they shall do so by inserting the same once in the London Gazette, and by subsequently thereto inserting the same as an Advertisement once in each of Two successive Weeks in some One and the same Daily Morning Newspaper published in London or Middlesex; and such Publication shall be deemed to be completed on the Day on which the Second of such Advertisements appears.

Addition of Elective Conservators.

Six Elective Conservators to be added to present Twelve nominated Conservators.

5. In addition to the Twelve Conservators acting under the Principal Act, (to whom the Designation "the nominated Conservators," when hereafter used in this Act, refers,) there shall be Six Conservators elected under this Act, who shall severally have and be subject to all the same or the like Powers, Functions, Duties, Privileges, Obligations, Disabilities, and Disqualifications as the several Conservators acting under the Principal Act, so far as the same may be applicable, and except so far as is in this Act expressly otherwise provided; and the Six Conservators for the Time being elected under this Act shall be added to and incorporated with the existing Body Corporate of The Conservators of the River Thames, and shall, with the Twelve Conservators for the Time being acting under the Principal Act, constitute and be One and the same Body Corporate, in like Manner in all respects as if by the Principal Act Provision had been made for the Election of such additional Six Conservators, and their Incorporation as Members of the Body Corporate thereby constituted; and all the Provisions of the Principal Act or of any other Act relative to the Powers, Functions, Duties, Privileges, Obligations, or Proceedings of the Conservators as a Body, and all Acts and Proceedings done, taken, or pending by, against, or in relation to the Conservators as a Body, shall remain unaffected by the Addition to and Incorporation with that Body of the Six Conservators elected under this Act, and (except only as is in this Act expressly otherwise provided) shall in all respects be and continue as if this Act had not been passed.

Constituencies for Election of additional Conservators.

6. The Six additional Conservators (hereafter in this Act called Elective Conservators) shall, subject and according to the Provisions of this Act, be elected by the following Classes of Electors (of which Classes respectively they shall be deemed Representatives); namely,—

Two by Owners of Shipping registered in the Custom House Books of the Port of London (hereafter in this Act called Shipowners):

One by Owners of Steamers surveyed and certificated as Passenger Steamers by the Board of Trade (under The Merchant Shipping Act, 1854, and Acts amending the same), and plying on the River Thames, not Seaward of Gravesend (which Steamers are hereafter in this Act called Passenger Steamers):

17 & 18 Vict. c. 104.

Two by Owners of Lighters and Steam Tugs used on the River Thames:

One by the Occupiers for the Time being of the several Docks established under Charter or Act of Parliament, Legal Quays and Sufferance Wharfs appointed by the Commissioners of Customs for the Port of London (herein-after in this Act called Dockowners and Wharfingers.)

Time for First Elections.

7. On or within Seven Days after the First Day of December One thousand eight hundred and sixty-four, Elections shall be held for all the Six Elective Conservators.

Time for subsequent Elections.

8. On or within Seven Days after the First Day of December in the Year One thousand eight hundred and sixty-five, and in every subsequent Year, Elections shall be held for filling up Vacancies among the Elective Conservators.

Days, Hours, and Places for Elections.

9. The Days, Hours, and Places on and at which the Elections by the several Classes of Electors are to be held shall be appointed by the Conservators.

Notice of every such Appointment shall be published by the Conservators, and such Publication shall be completed as to the Election by each Class of Electors not less than Fourteen or more than Twenty-eight Days before the Day appointed for that Election.

Regulations by Byelaws.

10. Subject to the Provisions of this Act, the Conservators shall from Time to Time by Byelaw regulate the Mode of conducting Elections under this Act.

Election by Shipowners.

Qualification of Shipowners.

11. The Qualification of Electors of Representatives of Shipowners shall be regulated as follows; namely,—

(1.) Every Shipowner registered as Owner of not less in the whole than Two hundred and fifty Tons of Shipping shall be qualified to give One Vote in respect of every Two hundred and fifty Tons of Shipping owned by him, for each Conservator to be elected as a Representative of Shipowners, so that the Votes of any Owner for any one Conservator do not exceed Ten:

(2.) Where a Ship is registered in the Name of One Person he shall be deemed the Owner:

(3.) Where a Ship is registered in distinct and several Shares in the Names of more Persons than One, the Tonnage shall be apportioned among the Owners as nearly as may be in proportion to their respective Shares, and each of such Persons shall be deemed the Owner of the Tonnage so apportioned to him:

(4.) Where a Ship is registered jointly, without Severance of Interest, in the Names of more Persons than One, the Tonnage shall, if it is sufficient, either alone or together with other Tonnage (if any) owned by such joint Owners, to give a Qualification to each of them, be apportioned equally between them; and each of such joint Owners shall be deemed to be the Owner of the equal Share so apportioned to him; but if it is not so sufficient, the whole of such Tonnage shall be deemed to be owned by such One of the joint Owners as is first named on the Register:

(5.) For the Purposes of any Apportionment under this Section, any Portion may be struck off, so as to produce a divisible Amount:

(6.) The whole Amount of Tonnage so owned by each Person, whether in Ships or in Shares of or Interests in Ships, shall be added together, and if sufficient shall constitute his Qualification.

Annual List of Shipowners to be furnished to Conservators from Custom House.

12. The Electors of Representatives of Shipowners shall be ascertained for the Purposes of each Election as follows; namely,—

(1.) On or as soon as may be after the First Day of October in the Year One thousand eight hundred and sixty-four, and in every subsequent Year, the Registrar of Shipping for the Port of London shall, with the Assistance of the Registrar General of Seamen, make out a List of the Persons and Bodies Corporate who are by virtue of this Act entitled on each such First Day of October to vote at the Election of a Representative of Shipowners:

(2.) The List shall contain in Alphabetical Order the Surname of every Person so entitled, with his Christian Name or Names, and his Place of Business or Residence, and the Name of every Body Corporate so entitled, with their Place of Business, and with the Number of Votes to which every such Person or Body Corporate is entitled:

(3.) The List shall be signed by the Registrar of Shipping:

(4.) The List shall be delivered to the Conservators on or within Seven Days after the First Day of November in each Year:

(5.) The Conservators shall pay all Expenses properly incurred by the Registrar of Shipping in making the List:

(6.) The List shall be conclusive Evidence that the Persons and Bodies Corporate therein named, and no others, are entitled to vote at the Election of any Conservator as Representative of Shipowners to be held in the Month of December next after the List is made out, and that those Persons and Bodies Corporate respectively are entitled to the Number of Votes stated in the List:

(7.) Within Seven Days after the Delivery of the List to the Conservators, they shall cause the same to be printed, and thenceforth until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Qualification of Representative of Shipowners.

13. Every Male Person of full Age entitled to vote at an Election of a Conservator as Representative of Shipowners, or a Member of the

the Board of Directors or other governing Body of a Body Corporate entitled so to vote, shall be qualified, and no other Person shall be qualified, to be elected as such Representative at that Election.

Election by Owners of Passenger Steamers.

Qualification of Owners of Passenger Steamers.

14. The Qualification of Electors of the Representative of Owners of Passenger Steamers shall be regulated as follows; namely,—

(1.) The Ownership of each Passenger Steamer shall confer on the Owner or Owners thereof the Right to One Vote and no more at each Election, so that the Votes of any Owner do not exceed Ten:

(2.) For the Purposes of such Election, the Person or Persons, or Body Corporate, entered on the Books of the Board of Trade as the Owner or Owners of each Passenger Steamer, shall be deemed the Owner or Owners thereof:

(3.) Where more Persons than One are entered on the Books of the Board of Trade as Owners of a Passenger Steamer, such One of those Persons as is first entered on those Books shall alone be qualified to vote in respect of such Passenger Steamer at any such Election.

Annual List of Owners of Passenger Steamers to be furnished to Conservators by Board of Trade.

15. The Electors of the Representative of Owners of Passenger Steamers shall be ascertained for the Purposes of each Election as follows; namely,—

(1.) On or as soon as may be after the First Day of October in the Year One thousand eight hundred and sixty-four, and in every subsequent Year, the Board of Trade shall make out a List of the Persons or Bodies Corporate who are by virtue of this Act entitled on each such First Day of October to vote at the Election of a Representative of Owners of Passenger Steamers:

(2.) The List shall contain in Alphabetical Order the Surname of every Person so entitled, with his Christian Name or Names, and his Place of Business or Residence, and the Corporate Name of every Body Corporate so entitled, with their Place of Business, and with the Number of Votes to which each such Person and Body Corporate is entitled:

(3.) The List shall be signed by One of the Secretaries of the Board of Trade:

(4.) The List shall be delivered to the Conservators on or within Seven Days after the First Day of November in each Year:

(5.) The Conservators shall, if required, pay all Expenses incurred by the Board of Trade in making the List:

(6.) The List shall be conclusive Evidence that the Persons and Bodies Corporate therein named, and no others, are entitled to vote at the Election of a Conservator as Representative of the Owners of Passenger Steamers to be held in the Month of December next after the List is made out, and that those Persons and Bodies Corporate respectively are entitled to the Number of Votes stated in the List:

(7.) Within Seven Days after the Delivery of the List to the Conservators, they shall cause the same to be printed, and thenceforth until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Qualification of Representatives of Owners of Passenger Steamers.

16. Every Male Person of full Age entitled to vote at the Election of a Conservator as Representative of Owners of Passenger Steamers, or a Member of the Board of Directors or other governing Body of a Body Corporate entitled so to vote, shall be qualified, and no other Person shall be qualified to be elected as such Representative at that Election.

Election by Owners of Lighters and Steam Tugs.

For Registration Purposes, s. 43. of Watermen's Company's Act to apply to Steam Tugs.

17. For the Purposes of Registration Section Forty-three of the Watermen's Company's Act as amended by this Act, and all Provisions relative thereto, shall apply to Steam Tugs.

Qualification of Owners of Lighters and Steam Tugs.

18. The Qualification of Electors of Representatives of Owners of Lighters and Steam Tugs shall be regulated as follows; namely,—

(1.) The Ownership of each Lighter and the Ownership of each Steam Tug shall confer on the Owner or Owners of such Lighter or Steam Tug the Right to One Vote and no more at each Election, so that the Votes of any Owner for any One Conservator do not exceed Ten:

(2.) For the Purposes of such Election, the Person or Persons or Body Corporate entered on any Register kept by the Watermen's Company as the Owner or Owners of each Lighter or Steam Tug, shall be deemed the Owner or Owners thereof:

(3.) Where more Persons than One are entered on any such Register as Owners of a Lighter or Steam Tug, such One of those Persons as is first entered on the Register shall alone be qualified to vote in respect of such Lighter or Steam Tug at any such Election.

List of Owners of Steam Tugs for First Election, and of Owners of Lighters and Steam Tugs for subse-

19. The Electors of Representatives of Owners of Lighters and Steam Tugs shall be ascertained for the Purposes of each Election, as follows; namely,—

(1.) On or as soon as may be after the First Day of October One thousand eight hundred and sixty-four, and in every subsequent Year, the Watermen's Company shall make out quent Elections, to be made by Conservators.

out a List of the Persons and Bodies Corporate who are by virtue of this Act entitled on each such First Day of October to vote at the Election of Representatives of Owners of Lighters and Steam Tugs :

(2.) The List shall contain in Alphabetical Order the Surname of every Person so entitled, with his Christian Name or Names, and his Place of Business or Residence, and the Name of every Body Corporate so entitled, with their Place of Business, and with the Number of Votes to which each such Person or Body Corporate is entitled :

(3.) The List shall be certified under the Common Seal of the Company, and under the Hands of the Master and the Clerk of the Company, as a true and correct List for the Purposes and according to the Requirements of this Act :

(4.) The List shall be delivered to the Conservators on or within Seven Days after the First Day of November in each Year :

(5.) The Conservators shall pay all Expenses properly incurred by the Watermen's Company in making the List, the Amount thereof to be, in case of Difference, determined by an Arbitrator to be appointed by the Board of Trade, whose Decision shall be final :

(6.) The Watermen's Company shall, during Fourteen Days after the Delivery of the List, afford to the Conservators, their Officers and Agents, Access at all reasonable Times, without Payment, to the Book or Books kept by the Watermen's Company for the Purposes of the Registration of Lighters and Steam Tugs, in order to enable the Conservators to compare the List delivered with such Book or Books, and to revise the same by such Comparison, and the Conservators shall compare and revise the same accordingly, and the Secretary of the Conservators shall sign the revised List :

(7.) The List, so revised and signed, shall be conclusive Evidence that the Persons and Bodies Corporate therein named, and no others, are entitled to vote at the Election of Representatives of Owners of Lighters and Steam Tugs, to be held in the Month of December next after the List is made out, and that those Persons and Bodies Corporate respectively are entitled to the Number of Votes stated in the List :

(8.) Within Seven Days after the Delivery of the List to the Conservators they shall cause the same to be printed, and thenceforth until the Day of Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Qualification of Representatives of Owners of Lighters and Steam Tugs.

20. Every Male Person of full Age entitled to vote at the Election of a Conservator as Representative of Owners of Lighters and Steam Tugs, or a Member of the Board of Directors or other governing Body of a Body Corporate entitled so to vote, shall be qualified, and no other Person shall be qualified, to be elected as such Representative at that Election.

Eelection by Dockowners and Wharfingers.

Qualification of Wharfingers.

21. The Qualification of Electors of the Representative of Dockowners and Wharfingers shall be regulated as follows; namely,—

The Occupation of each Dock, Legal Quay, and Sufferance Wharf shall confer the right to One Vote, and no more, at each Election; and such Vote, where more than One Person is in such Occupation as a Corporation, Firm, or Copartnership, shall be given in the Name of such Corporation, Firm, or Copartnership.

Annual List of Wharfingers to be furnished to Conservators from Custom House.

22. The Electors of the Representative of Dockowners and Wharfingers shall be ascertained, for the Purposes of each Election, as follows:

(1.) On or as soon as may be after the First Day of October in the Year One thousand eight hundred and sixty-four, and in every subsequent Year, the Commissioners of Customs shall, to the best of their Knowledge and Ability, make out a List of the Corporations, Partnerships, or Persons who are by virtue of this Act entitled on each such First Day of October to vote at the Election of a Representative of Dockowners and Wharfingers:

(2.) The List shall be signed by the Surveyor General of the Board of Customs for the Time being:

(3.) The List shall be delivered to the Conservators on or within Seven Days after the First Day of November in each Year:

(4.) The Conservators shall, if required, pay all Expenses incurred by the Commissioners of Customs in making the List:

(5.) The List shall be conclusive Evidence as to the Right to vote at the Election of a Conservator as Representative of Dockowners and Wharfingers to be held in the Month of December next after the List is made out:

(6.) Within Seven Days after the Delivery of the List to the Conservators they shall cause the same to be printed, and thenceforth until the Day of the Election inclusive they shall cause printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Qualification of Representative of Wharfingers.

23. Every Male Person of full Age entitled to vote at the Election of a Conservator as Representative of Dockowners and Wharfingers, or a Member of a Copartnership entitled so to vote, or a Member of the Board of Directors or other governing Body of a Body Corporate entitled so to vote, shall be qualified, and no other Person shall be qualified, to be elected as such Representative at that Election.

General Provisions as to Elections.

Votes to be given personally or by proxy.

24. A Vote at any Election under this Act may be given either by the Elector personally or by another Elector as his Proxy, or in case of a Body Corporate by any Shareholder or Officer of the Body as their Proxy.

The Appointment of a Proxy shall be made by an Instrument in Writing (in the Form given in the Schedule to this Act, with such Variations as Circumstances may require), signed by the Appointor, or if the Appointor is a Body Corporate sealed with their Common Seal, and in all Cases attested by One Witness at least.

An Instrument appointing a Proxy shall not be used at any Election unless it has been deposited at the Office of the Conservators not less than Forty-eight Hours before the Time appointed for that Election.

Any such Instrument shall not be valid except for the Election next after the Date of its Execution.

Returning Officer, and Return by him.

25. At the First Elections held under this Act, such One of the nominated Conservators as the Conservators appoint for the Purpose, and at every subsequent Election the Deputy Chairman of the Conservators, appointed as in this Act is provided, and in his Absence such One of the nominated Conservators as the Conservators appoint for the Purpose, shall be the Returning Officer.

The Returning Officer shall, according to the best of his Judgment and Ability, make a true Return in Writing to the Conservators of the Person or Persons elected; and every Person so returned shall be deemed duly elected.

If in any Case there is an Equality of Votes for Two or more Candidates for Election to fill One Vacancy there shall be deemed to be a Failure to elect.

Owner of Passenger Steamer, Lighter, or Steam Tug not to have Vote as Shipowner.

26. Where a Vessel, besides being certificated by the Board of Trade as a Passenger Steamer or registered as aforesaid as a Lighter or Steam Tug, is also registered with the Registrar of Shipping at the Custom House of the Port of London, the Ownership of such Vessel shall, notwithstanding anything in this Act, not confer any Right of Voting at the Election of a Conservator as Representative of Shipowners; and it shall not be lawful for any Owner or any One of the Owners of such Vessel to vote in respect of such Vessel or of any Share thereof or Interest therein at any such last-mentioned Election.

If any Person votes in contravention of this Enactment, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

The Validity of any Election at which any Person so votes shall nevertheless be unaffected thereby.

Provision for Non-delivery of List.

27. In case any Election is prevented from being held in conformity with this Act by reason of any List that is by this Act required to be delivered to the Conservators not being delivered in conformity with this Act, or by reason of any other Accident or Circumstance, there shall be deemed to be a Failure to elect.

Expenses to be paid by Conservators.

28. The Expenses incurred in obtaining or printing Lists of Electors, or in providing Places for Elections, or by the Returning Officer, or otherwise, by or on behalf of the Conservators, in relation to Elections under this Act, shall be defrayed out of the Conservancy Fund.

Duration of Office of Elective Conservators.

Rotation of Elective Conservators of different Classes.

29. With respect to the Duration of Office of Elective Conservators, the following Provisions shall take effect; namely,—

(1.) One of the Conservators elected by Shipowners at the First Election shall go out of Office at the Second Election, a Second at the Third Election, and the Third at the Fourth Election:

(2.) The Conservator to go out at the Second and Third Elections respectively shall be determined by Agreement among the Conservators so elected, or in default of such Agreement by Lots drawn at a Conservancy Meeting by the Secretary of the Conservators:

(3.) Every Conservator elected by Shipowners at the Second and every subsequent Election shall go out of Office at the Third Election after his Election:

(4.) Every Conservator elected by Owners of Passenger Steamers shall go out of Office at the Election next after his Election:

(5.) One of the Conservators elected by Owners of Lighters and Steam Tugs at the First Election shall go out of Office at the Second Election, and the other at the Third Election:

(6.) The Conservator to go out at the Second Election shall be determined by Agreement between the Conservators so elected, or in default of such Agreement by Lots drawn at a Conservancy Meeting by the Secretary to the Conservators:

(7.) Every Conservator elected by Owners of Lighters and Steam Tugs, at the Second and every subsequent Election shall go out of Office at the Second Election after his Election:

(8.) Every Conservator elected by Dockowners and Wharfingers shall go out of Office at the Election next after his Election:

(9.) Every Conservator going out of Office under this Section shall be re-eligible.

Vacancies.

Appointment by Conservators in case of Failure to elect.

30. In case, for any Reason, on any Occasion, there is a Failure on the Part of any Class of Electors to elect any Conservator, in conformity with this Act, the Conservators shall within One Month after such Failure appoint as Conservator a Person qualified to be elected by the Class of Electors so failing.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed shall, for the Purposes of this Act, in all respects be as if he had been elected by the Class of Electors so failing to elect.

Mode of supplying casual Vacancies.

31. Section Seven of the Principal Act shall not apply to an Elective Conservator.

If any Elective Conservator dies, or resigns, or if the Office of an Elective Conservator is vacated from any Cause other than that of his going out of Office by Rotation or by Effluxion of Time, the Conservators may, if they think fit, within One Month after the happening of such Vacancy, appoint in the Place of the vacating Conservator another Person having a Qualification of the same Nature as that had by the vacating Conservator.

Every such Appointment shall be made at a Conservancy Meeting, Notice whereof shall be given in manner required for Special Meetings.

Every Conservator so appointed shall continue in Office only so long as the Person in whose Place he is appointed would have been entitled to continue in Office.

32. If any Elective Conservator, or any Person appointed by the Conservators under this Act in the Place of an Elective Conservator, ceases to possess the Qualification requisite for his Election or Appointment as a Conservator, his Office shall be thereby vacated.

Vacation of Office by Loss of Qualification.

33. Any Act of the Conservators or of any of them shall not be invalidated or be illegal by reason of any Irregularity in the Election or Appointment under this Act of any Conservator, or by reason of the Nondelivery of or the too late Delivery of or any Error in any List of Voters, or by reason of any Irregularity in the making or publishing of any such List, or by reason of any Person not qualified or ceasing to be qualified acting as a Conservator, or by reason of any Failure or Omission on any Occasion to elect or appoint any Conservator under this Act, or by reason of any other Irregularity, Error, Failure, or Omission in or about any Election or in or about any Matter preliminary or incidental thereto.

Error in Elections not to vitiate Acts done.

Byelaws.

34. From and after the Thirty-first Day of December One thousand eight hundred and sixty-four Section Forty-seven of the Principal Act shall be repealed (but not so as to affect any Byelaws or the Proof of any Byelaws made before the Commencement of such Repeal); and in lieu thereof the following Provisions shall take effect; namely,—

Publication of proposed Byelaws, Consideration of Objections thereto, and Reference to the Queen in Council.

(1.) Byelaws made after the Commencement of such Repeal under the Authority of the Principal Act, for the Purposes of that Act or this Act, shall not have any Force unless and until they are allowed by Order of Her Majesty in Council:

(2.) When the Conservators propose to make any Byelaws they shall publish the proposed Byelaws:

(3.) Before the Conservators submit any proposed Byelaws for the Allowance of Her Majesty in Council, they shall, during One Month at least after the Publication thereof, afford to all Persons the Opportunity of making, in Writing or otherwise, Objections to or Representations respecting the proposed Byelaws; and the Conservators shall take all such Objections and Representations into consideration, and, if they think fit, may abstain from making, or may alter or add to the proposed Byelaws:

(4.) If any Alteration or Addition is so made, the Conservators shall publish the proposed Byelaws as so altered or added to, before submitting the same for the Allowance of Her Majesty in Council:

(5.) The Conservators, on submitting any proposed Byelaws for the Allowance of Her Majesty in Council, shall publish Notice that they have done so; and during One Month after the Completion of such Publication of Notice any Person may by Petition submit to Her Majesty in Council any Objection to or Representation respecting the proposed Byelaws.

Byelaws to be printed and sold.

35. The Conservators shall cause all Byelaws made by them after the Thirty-first Day of December One thousand eight hundred and sixty-four, when the same are allowed, together with the Order in Council allowing the same, to be printed, and printed Copies thereof to be sold at a reasonable Price to all Persons desiring to buy the same.

Proof of Byelaws.

36. A Copy of any Byelaw made by the Conservators after the Thirty-first Day of December One thousand eight hundred and sixty-four, and allowed, purporting to be printed by Direction of the Conservators, and being authenticated by the Common Seal of the Conservators, and the Signature of the Secretary of the Conservators, shall for all Purposes and to all Intents be conclusive Evidence of such Byelaw and of the due making and Allowance thereof, without Proof of such Seal or Signature.

Byelaws for this Act to be made under Principal Act.

37. Subject to the Provisions of this Act, Byelaws made for the Purposes of this Act shall be made under the Authority of the Principal Act, and according and subject to the Provisions therein contained.

Public Inquiry into Complaints.

On Complaint made, Conservator or Conservators to be deputed to sit in public, and make Inquiry.

38. In case any Person complains of the Operation of any Byelaw of the Conservators, or of any Determination or Proceeding of the Conservators, or of the Conduct of any of their Officers, he shall, on an Application in Writing to the Conservators, stating the Substance of his Complaint, be entitled to have his Complaint publicly inquired into and decided on, in manner following; namely,—

(1.) On Receipt of such Application the Conservators shall depute One or more not exceeding Three of their Body to inquire into the Complaint:

(2.) A suitable Room shall be provided by the Conservators, to which the Complainant, his Agent or Attorney and Witnesses, and all other Persons interested or desirous of attending, shall have free Access:

(3.) The Conservator or Conservators so deputed shall receive the Statement of the Complainant, or his Agent or Attorney, and the Counter-Statement of any Person concerned, or his Agent or Attorney, and shall hear any Arguments offered, and any Evidence adduced in support of such Statement or Counter-Statement, and he or they or One of them shall write down the Substance of such Statement, Counter-Statement, Arguments, and Evidence in a narrative Form, and he or they shall report the same, and his or their Opinion thereon, for the Information of the Conservators :

(4.) The Conservators shall consider the Report, and shall decide on the Complaint, and their Decision shall be delivered in public either on the same Day, or on a subsequent Day appointed for the Purpose.

Regulation of Proceedings by Byelaws.

39. The Conservators may from Time to Time by Byelaw regulate (subject to the Provisions of this Act) the Proceedings on any such public Inquiry.

Right for Persons complaining to state Complaint personally.

40. Notwithstanding anything in this Act, any Person not requiring a public Inquiry, but desirous of stating any Complaint personally to the Conservators, shall be at liberty to do so, on attending at the Office of the Conservators during a Conservancy Meeting, having made Application for that Purpose.

Saving for Power to hold Meetings in public.

41. Nothing in this Act shall restrict the Conservators from holding any Conservancy Meeting, if they think fit, in a Room to which the Public may have Access.

Deputy Chairman.

Appointment of a Deputy Chairman; his Duties, &c.

42. From and after the Thirty-first Day of December One thousand eight hundred and sixty-four, the following Parts of the Principal Act shall be repealed; namely,—

(1.) So much of Section Twenty-one as enacts that in case the Lord Mayor shall be absent then the Conservators present shall appoint some One of their Body to preside as Chairman for the Day, or during the Absence of the Lord Mayor :

(2.) So much of Section Twenty-five as enacts that at all Meetings of a Committee, in case of the Absence of the Lord Mayor, One of the Members present shall be appointed Chairman :

And in lieu thereof the following Provisions shall take effect; namely,—

(1.) At the First Conservancy Meeting held in the Year One thousand eight hundred and sixty-five, and afterwards at

Conservancy Meetings from Time to Time as Occasion may require, (Notice of every such Meeting having been given in manner required for Special Meetings,) the Conservators shall elect from among themselves a Deputy Chairman:

(2.) At all Meetings of the Conservators the Deputy Chairman, if present, shall preside in the Absence of the Lord Mayor; and the Deputy Chairman shall ex officio be a Member of all Committees of the Conservators, and at all Meetings of such Committees the Deputy Chairman, if present, shall preside in the Absence of the Lord Mayor; and in case of the Absence from any Meeting of the Conservators, or of any such Committee, of both the Lord Mayor and Deputy Chairman One of the Conservators or Members present shall be elected Chairman:

(3.) The Deputy Chairman shall (unless he ceases to be a Conservator) hold Office for One Year from the Time of his Election, but shall be re-eligible:

(4.) The Office of Deputy Chairman shall not be deemed an Office or Place of Profit within the Meaning of Section Eleven of the Principal Act.

Remuneration of Deputy Chairman and Conservators.

Conservators, with Approval of Treasury, to be paid Sums annually.

43. From and after the Thirty-first Day of December One thousand eight hundred and sixty-four, the Conservators every Year shall set apart out of the Conservancy Fund such Sum not exceeding in any Year One thousand two hundred Pounds as the Conservators, with the Approval of the Commissioners of Her Majesty's Treasury, think fit, and shall divide the same among the several Conservators as the Conservators from Time to Time think fit.

Ballastage.

Discontinuance of exclusive Rights of Trinity House as to Supply of Ballast.
6 & 7 Vict. c. lvii.

44. From and after the Expiration of the Act of the Session of the Sixth and Seventh Years of Her Majesty, (Chapter Fifty-seven, Local and Personal,) "for the Regulation of Lastage and Ballastage "in the River Thames," the Supply of Ballast in the River Thames shall be free, any Act, Charter, or Grant notwithstanding.

Power for Conservators to supply Ballast.

45. From and after the Expiration of the said Act of the Session of the Sixth and Seventh Years of Her Majesty, the Conservators may, if they think fit, undertake the supplying of Vessels in the River Thames with Ballast, on such Terms as they from Time to Time think fit; and any Money coming to them in respect thereof shall form Part of the Conservancy Fund.

46. From and after the Expiration of the said Act of the Session of the Sixth and Seventh Years of Her Majesty, the Conservators may, if they think fit, undertake to place Ballast on board Vessels in the River Thames, or to unload Ballast therefrom, on such Terms as they from Time to Time think fit; and any Money coming to them in respect thereof shall form Part of the Conservancy Fund.

Power for Conservators to undertake Ballast-heaving.

47. In accounting to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under the One hundred and fourth Section of the Principal Act, for the Proceeds annually arising from the supplying or unloading Ballast by the Conservators under the Powers contained in the Two last Sections, all just Allowances shall be made to the Conservators for the Expenses incurred by them in or about such Ballastage, and One equal Third Part only of the net Surplus, if any, shall be paid over to the Commissioners, but nothing herein contained shall exempt from the Operation of the One hundred and fourth Section of the Principal Act the Proceeds accruing to the Conservators from any such Services as in the last preceding Section of this Act are mentioned.

One Third of the net Profits only of the Ballastage to be paid to Her Majesty.

48. From and after the Expiration of the said Act of the Session of the Sixth and Seventh Years of Her Majesty, Sections One hundred and nine and One hundred and ten of the Principal Act shall be repealed.

Repeal of Provisions as to dredging, &c. by Trinity House.

49. It shall be lawful for the Trinity House, with the Sanction of the Board of Trade, to grant Allowances or Compensations to be paid out of the Mercantile Marine Fund to all Persons whose Salaries are payable out of the said Mercantile Marine Fund in respect of the Service of Lastage and Ballastage, and whose Offices or Salaries shall be abolished or cease in consequence of anything contained in this Act, or of the Expiration of the Act of the Sixth and Seventh Years of Her Majesty, Chapter Fifty-seven, so nevertheless that no Allowance or Compensation to any Person whose Office or Salary shall be so abolished or cease shall exceed the Proportion of his Salary which might be granted to a Person in the Public Civil Service under the Act of the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, or under the Act of the Twenty-second Year of Her Majesty, Chapter Twenty-six, or under any other Act for regulating such Allowances or Compensations for the Time being in force.

Power to Trinity House to make Allowances and Compensation to Officers, &c.

Powers of Trinity House as to Watermen.

50. From and after the Thirty-first Day of December One thousand eight hundred and sixty-four, the Act of the Eighth Year of Queen

Repeal of 8 Eliz. c. 13.

Queen Elizabeth (Chapter Thirteen), "to enable the Trinity House "to erect Sea Marks and give Licence to Mariners to row on the "River of Thames," shall be repealed.

Buoyage, Beaconage, and Lighting.

Conservators to have sole Power of laying down Buoys and Beacons

17 & 18 Vict. c. 104.

51. From and after the Thirty-first Day of December One thousand eight hundred and sixty-four, the Power to place or lay down Buoys and Beacons conferred on the Conservators by Section Eighty-eight of the Principal Act shall be vested in the Conservators exclusively, anything in Part VI. of The Merchant Shipping Act, 1854, or in any other Act, or in any Charter or Grant, notwithstanding.

Transfer of existing Buoys and Beacons to Conservators.

52. From and after the Thirty-first Day of December One thousand eight hundred and sixty-four, the Property in and Authority over and Obligations respecting Buoys and Beacons theretofore laid down by the Trinity House within the Jurisdiction of the Conservators shall be transferred to and vested in and imposed on the Conservators.

Trinity House to have sole Control of lighting below Bridge.

53. From and after the Thirty-first Day of December One thousand eight hundred and sixty-four, it shall not be lawful for the Conservators to place any new Lighthouse at any Point below London Bridge; and from and after that Day the Property in and Authority over and Obligations respecting any Lighthouse theretofore placed by the Conservators below London Bridge shall be transferred to and vested in and imposed on the Trinity House, and the Provisions of The Merchant Shipping Act, 1854, and of any Act amending the same, shall apply to such Lighthouses.

Amendment of Watermen's Company's Act.

Providing for Contract of Service.

54. Notwithstanding anything in the Watermen's Company's Act contained, or in any of the Byelaws made in pursuance thereof, it shall be lawful, from and after the Thirty-first Day of January One thousand eight hundred and sixty-five, for any Male Person above the Age of Twenty Years who has not previously been bound an Apprentice under the Watermen's Company's Act to contract in Writing with any Person authorized to take Apprentices under the Watermen's Company's Act to serve such Person as a working Lighterman in navigating a Barge or Lighter, or in assisting to work or navigate any Steam Boat, upon the River Thames.

As to Form and Registration of Contract.

55. Every such Contract shall be in a Form to be settled by Byelaw under the Watermen's Company's Act, and shall be entered into and executed at the Hall of the Watermen's Company, and be entered by the Clerk of the Company in a Book or Books to be kept for that Purpose; and there shall be paid to the Company, on such Registration, by one or other of the Parties to such Contract, the following Fees; namely, on the Registration of the First Contract entered into by any Person for such Service on his Part the like Fee as is for the Time being payable to the Company on the binding of an Apprentice, and on the Registration of any subsequent Contract for such Service on the Part of the same Person the like Fee as is for the Time being payable to the Company on the Assignment of Indentures of Apprenticeship.

Party serving to be examined, and, if found competent, to obtain a Licence, &c.

56. It shall be lawful for any Person who has actually served under any such Contract or Contracts for the Time of Two Years, within the Period of Three Years from the Registration of the first of such Contracts, to apply to the Watermen's Company for a Certificate authorizing him to act as a Lighterman, or to work or navigate a Steam Boat according to the Tenor of his Contract; and if upon his Examination, and the Production of Evidence similar to that required by the Watermen's Company to prove the Competency of an Apprentice on applying for a Licence, he shall be found qualified to receive the same, the Company shall, on Payment as herein-after provided, grant to such Applicant a Certificate authorizing him as aforesaid, in such Form as the Company may from Time to Time by Byelaw determine; and there shall be paid to the Company by every Applicant for a Certificate, on the original Grant thereof, the Sum of Three Pounds Eleven Shillings, or such less Sum as the Court of the Watermen's Company may from Time to Time determine; and every Certificate shall be renewable as a Lighterman's Licence under the Watermen's Company's Act, and on Payment of the same Fee; and in case the Company shall refuse to grant or renew a Certificate, any Applicant for the same shall have the same Right of Appeal to the Conservators as is provided by the Watermen's Company's Act in respect of Applicants for Licences thereunder.

Certificate liable to be revoked, cancelled, or suspended.

57. Every Person holding a Certificate as aforesaid from the Watermen's Company shall be liable to have the same revoked, cancelled, or suspended, in case of any Incapacity or Misconduct, in the same Manner, and as fully to all Intents, and subject to the like Appeal as is provided in the Case of licensed Freemen and Apprentices under the Company's Act and Byelaws.

Party obtaining a Certificate to be liable to

58. Every Person entering into any Contract as aforesaid, as well before as after obtaining a Certificate as herein-before provided, shall be subject and liable to the Regulations and Control of the Water-

Control of Watermen's Company.

Watermen's Company, and to the Disqualification and Penalties imposed and declared by and to the Provisions of the Company's Act and the Byelaws made or to be made in pursuance thereof, as fully in every respect as if such Person had been regularly bound an Apprentice in the Manner prescribed by such Act, and had been subsequently admitted as a Freeman of the said Company, or been licensed under the said Act; and the said Act and Byelaws respectively shall be read and construed so as to include and apply to such Person accordingly.

Construction of these Provisions with Company's Act.

59. The Provisions of this Act respecting the Watermen's Company shall be read and have effect together with the Company's Act as One Act; and for this Purpose the Term "this Act," when used in the Company's Act, shall be taken to include the present Act.

Limitation of Powers of Sect. 54. of the Watermen's Company's Act.

60. Nothing in Section 54 of the Watermen's Company's Act shall apply to any Craft passing entirely through the Limits of that Act, or to any Barges navigating the Grand Junction Canal, passing into or out of the said Canal from or to the River Thames, and not navigable up or down the said River.

Amendment of Sect. 87 of Act.

61. Section 87 of the Watermen's Company's Act shall be read and construed as if after the Words "Apprentice of," in the Beginning of the Section, were inserted the Words "a Freeman or of," so as to make the Provisions therein contained applicable to the Apprentice of a Freeman.

Widows of Freemen on taking Apprentices to employ Freemen, &c. to instruct them.

62. Every Widow of a Freeman taking an Apprentice under the Watermen's Company's Act shall keep or employ some Person, being a Freeman of the Company or a licensed Lighterman (as the Case may be), to instruct such Apprentice in the Business for which he may be so bound to her, and shall cause him to be so instructed before he is admitted a Freeman of the Company or licensed to work as a Lighterman in manner provided by the Company's Act.

Provision in favour of Western Barges.

63. Notwithstanding anything contained in the Watermen's Company's Act, all Barges duly registered, navigated from any Places on the said River above Teddington Lock in the Counties of Middlesex and Surrey, may be navigated on the said River Thames as far as London Bridge, without being compelled to employ a Freeman, Apprentice, or other Person licensed by the said Company in manner required by the Watermen's Company's Act.

64. Nothing in the Watermen's Company's Act, or in the Provisions of this Act relating to the Watermen's Company, shall be held to affect any Rights, Privileges, or Exemptions actually enjoyed at the passing of the Watermen's Company's Act by Owners of Barges or other Craft passing along the River Lee and its Branches into or from or along the River Thames, or to affect the Persons employed in such Barges or other Craft.

Preserving Rights of Owners of Lee Barges.

Bumboats.

65. From and after the Thirty-first Day of December One thousand eight hundred and sixty-four, the Conservators may from Time to Time make Byelaws for the registering and regulating of Bumboats,—that is to say, Craft used for the Purposes of Dealings in Provisions, Liquors, Stores, or other Goods with Seamen or others employed on or about the River Thames,—and of the Persons working or using such Bumboats.

Byelaws for Regulation of Bumboats.

Protection of Fisheries.

66. From and after the Thirty-first Day of December One thousand eight hundred and sixty-four, the Conservators may from Time to Time make Byelaws for the following Purposes or any of them; namely,—

Byelaws for Regulation of Fishing Boats, Nets, Seasons, &c.

For the protecting, preserving, and regulating of the Fisheries in the River Thames, and the Preservation of the Fish therein:

For the registering and regulating of the Fishing Boats or Vessels on the River Thames, and the governing of the Fishermen and others using or working the same:

For the Prohibition of the Use of Nets and Apparatus improper to be used for taking Fish:

For determining the Times during which the taking of any particular or specified Kinds of Fish shall not be practised:

For determining and regulating the Duties of Water Bailiffs or other proper Officers to be appointed by the Conservators to carry such Byelaws into execution:

And from and after the Commencement of the Operation of any such Byelaws the Act of the Thirtieth Year of King George the Second (Chapter Twenty-one), "for the more effectual Preservation "and Improvement of the Spawn and Fry of Fish in the River "Thames and Waters of Medway, and for the better regulating "the Fishery thereof," shall be repealed, so far as the Provisions thereof relate to the River Thames in respect of any of the Matters comprised in such Byelaws.

30 Geo. 2. c. 21.

Power for Water Bailiffs and other Officers to enter Fishing Boats, &c.

67. Any Water Bailiff or Officer appointed by the Conservators to carry into execution any Byelaws relating to Fisheries, and also any other Person specially authorized in this Behalf by Writing under the Common Seal of the Conservators, may enter into any Fishing Boat or other Vessel employed, or about to be or having been employed, in fishing or taking Fish or endeavouring to take Fish on the River Thames, and may therein search for Fish unlawfully taken, and any unlawful or prohibited Net or Apparatus for taking or destroying Fish, and may seize any such Fish, Net, or Apparatus found therein, and may also seize, on the Shore of the River Thames, any Fish unlawfully taken, or any unlawful or prohibited Net or Apparatus for taking or destroying Fish.

Any such Water Bailiff, Officer, or Person shall, with all practicable Speed after so seizing any Fish or Net or Apparatus, bring the same before a Justice of the Peace, to be dealt with in pursuance of the Byelaws, or otherwise according to Law.

Saving certain Rights in Fisheries.

68. This Act, or any Power conferred by this Act, or any Byelaw made or other Thing done under any such Power, except any Byelaw made for any of the Purposes following, that is to say, for the Preservation of the Fish in the River Thames, for the Prohibition of the Use of Nets and Apparatus to be used for taking Fish, and for determining the Times during which the taking of any particular or specified Kinds of Fish shall not be practised, and except the Provisions of this Act relative to the Powers and Duties of Water Bailiffs and other Officers of the Conservators, shall not extend to take away, alter, or abridge any Right, Claim, Privilege, Franchise, Exemption, or Immunity to which any Owner or Occupier of any private Fishery in the River Thames is entitled, or to empower the Conservators to interfere with the Exercise of the Rights of such Owner or Occupier, but the same shall remain and continue as if this Act had never been made.

Tolls.

Power to Conservators to alter Steamboat Tolls.

69. In lieu of all or any Part of the Tolls leviable under Section Sixty-five of the Principal Act on Steam and other Passage Vessels mentioned in that Section, the Conservators may from Time to Time, by Byelaw, appoint Tolls to be levied thereon (either in all Cases or in certain Cases to be defined by Byelaw) according to the Number of Passengers landed at or embarked from any Pier or Landing-place in that Section mentioned.

Power to take Tolls for Moorings

70. The Conservators may levy on Vessels not paying Tonnage or other Dues under the Principal Act, and using any of the Moorings on the River Thames belonging to the Conservators, in respect of the Use of such Moorings, and on Lighters and Steam Tugs used on the River Thames, such reasonable Tolls or Dues as may from Time to Time be fixed by the Conservators by Byelaw.

and for Lighters and Steam Tugs.

Navigation Bonds.

Annuities under Navigation Bonds to be charged on the Conservancy Fund, with Power to the Conservators to buy up the Bonds.

71. The Conservators shall be liable, and be deemed to have been always since their Incorporation liable, to pay the Annuities before the passing of the Principal Act charged upon the Security of Tolls leviable on the Navigation of the River Thames, in all respects as the Mayor, Aldermen, and Commons of the City of London in Common Council assembled would have been liable if the Principal Act had not been passed, and as if the same had been charged upon the Conservancy Fund defined by the One hundred and thirty-sixth Section of the Principal Act; and the said Annuities shall be and shall be deemed to have been always charged on the Conservancy Fund; and the Conservators may from Time to Time, as and when they shall think proper, redeem such Annuities, at such Prices and upon such Terms as shall be mutually agreed on between the Conservators and the Bondholders respectively; and for such Purpose the Conservators may, if they shall think proper, apply any Funds now in their Hands, or which may come to their Hands under the Provisions of the Principal Act.

Sale of Land.

Sale of Superfluous Lands.

72. It shall be lawful for the Conservators to contract for and to sell for such Consideration as they may deem reasonable, and by any Deed under their Corporate Seal to convey to the Purchasers thereof, any Lands vested in them, or any Part thereof, which in their Judgment shall not be required for the Purposes of their Act or the Principal Act, in such Manner as they shall deem most advantageous; and such Contracts, Sales, and Conveyances from the Conservators shall be valid and effectual to all Intents and Purposes, and the Money produced by such Sales shall be added to the Conservancy Fund.

Audit.

Treasury to appoint Auditor of Accounts of Conservators.

73. Section One hundred and seventeen of the Principal Act, and all Provisions relative thereto, shall be read and construed as if, in lieu of the Power to appoint an Auditor of the Accounts of the Conservators conferred by the last-mentioned Section on the Authority in that Section mentioned, the Commissioners of Her Majesty's Treasury were thereby directed to appoint such an Auditor, and the Commissioners of Her Majesty's Treasury shall annually appoint such an Auditor accordingly.

Injuries to River by throwing in Ballast, &c.

Prohibition of throwing Ballast, &c. into River, or allowing offensive Matter to flow into it.

74. If any Person, without lawful Excuse (the Proof whereof shall lie upon him), does any of the following Things; namely,

(1.) Unloads, throws, or puts or causes or suffers to fall any Gravel or other Substance which has been used as Ballast, or any Stones, Earth, Mud, Ashes, or Rubbish, or any Refuse from Gasworks or other Manufactories, into the River Thames or on the Shore thereof;

(2.) Unloads, throws, or puts or causes or suffers to fall any such Gravel or other Thing as aforesaid into any River, Stream, Cut, Dock, Canal, or Watercourse communicating with the River Thames at any Point within Three Miles of the River Thames, measured in a direct Line therefrom, so that the same will be carried or be likely to be carried by, through, or out of such River, Stream, Cut, Dock, Canal, or Watercourse into the River Thames;

(3.) Knowingly puts any such Gravel or other Thing as aforesaid in any Place where the same is likely to be carried by Floods or extraordinary Tides into the River Thames;

(4.) Causes or suffers any Washing or other Substance produced in making or supplying Gas, or any other offensive Matter, to flow into the River Thames, or to flow into any River, Stream, Cut, Dock, Canal, or Watercourse aforesaid, within the Distance aforesaid, so that the same will be carried or be likely to be carried by, through, or out of the same into the River Thames;

he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Where any Offence against this Enactment is committed from or out of a Vessel, the Master and the Owner of the Vessel shall be liable to be proceeded against and punished under this Enactment, so that the Master and the Owner of the Vessel be not both punished in respect of the same Offence.

Any Constable, and any Person whom a Constable may call to his Assistance, may take into Custody without Warrant any Person found committing any Offence against this Enactment.

Prohibition of deepening or altering Sewers or Drains discharging into the River.

75. If any Person enlarges, deepens, or alters any Sewer or Drain, or constructs any Work having an Outlet into the River Thames beyond the Limits of the Metropolis, (as defined in the Metropolis Management Amendment Act, 1862), with the Intent or Effect of increasing the Discharge of Sewage into the River Thames, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which such Offence continues after the Expiration of One Week from Receipt by him of a Notice in Writing from the Conservancy requiring him to restore the Sewer, Drain, or Work to its former Condition.

Protection of Officers.

Penalty for assaulting Constable, &c.

76. If any Person assaults or resists, or aids or incites any Person to assault or resist, any Constable, Water Bailiff, or other Officer or Person in the Execution of his Duty or the lawful Exercise of any Authority under the Principal Act or under this Act, or under any Byelaw of the Conservators made or to be made, such Offender shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Procedure, &c.

Jurisdiction of Justices of Kent, Essex, and Gravesend.

77. For the Purposes of the Principal Act and of this Act, and of any Byelaw of the Conservators made or to be made, the Jurisdiction of all Justices of the Peace for the Counties of Essex and Kent respectively, and of the Magistrates of the Borough of Gravesend in the County of Kent, shall extend over the whole of the Waters of the River Thames and the Banks and Shores thereof between Broadness Point and the Lower Hope.

Venue for Trial of Offences.

78. For the Purposes of Proceedings under the Principal Act or under this Act, or under any Byelaw of the Conservators made or to be made, every Offence shall be deemed to have been committed, and every Cause of Complaint under the Principal Act or this Act or any Byelaw shall be deemed to have arisen, either in the Place in which the same actually was committed or arose, or in any Place in which the Offender or Person complained against may be.

Application of pecuniary Penalties.

79. Where under the Principal Act or under this Act, or under any Byelaw of the Conservators made or to be made, any pecuniary Penalty or Forfeiture is recovered by the Conservators in a summary Manner, the same shall be paid to the Conservators, and shall form Part of the Conservancy Fund, anything in the Act of the Session of the Second and Third Years of Her Majesty (Chapter Seventy-one), "for regulating the Police Courts in the Metropolis," notwithstanding.

2 & 3 Vict. c. 71. s. 47.

Savings.

Act not to affect Rights, &c. saved by Principal Act, except as expressly provided.

80. This Act, or any Power conferred by this Act, or any Byelaw made or other Thing done under any such Power, shall not—

(1.) Take away, alter, interfere with, abridge, prejudice, or derogate from any Right, Title, Claim, Privilege, Franchise,

chise, Exemption, Immunity, Possession, Profit, Power, Jurisdiction, or Authority saved or intended to be saved from or out of the Operation of the Principal Act by the following Sections thereof, namely, Sections Fifty-one, Fifty-two, Eighty, One hundred and sixty-four, One hundred and sixty-six to One hundred and sixty-eight, and One hundred and seventy to One hundred and seventy-nine (all inclusive), or any of them:

(2.) Repeal, alter, or prejudicially affect the same Sections or any of them, or any Enactment saved or intended to be saved from or out of the Operation of the Principal Act by the same Sections or any of them, or take away or alter any Restriction imposed on the Conservators by the same Sections or any of them:

(3.) Take away, alter, interfere with, abridge, prejudice, or derogate from any Right, Title, Claim, Privilege, Franchise, Exemption, Immunity, Possession, Profit, Power, Jurisdiction, or Authority saved or intended to be saved from or out of the Operation of the Principal Act by Sections One hundred and sixty-five and One hundred and sixty-nine thereof, or either of them, further or otherwise than is expressly provided by this Act.

Clause saving the Rights of the Canvey Island Commissioners.

81. Nothing in this Act, or any Byelaw made in pursuance thereof, shall extend to take away, interfere with, limit, prejudice, affect, abridge, or impeach any of the Rights, Powers, Privileges, and Authorities or Property vested in the Commissioners for putting into Execution the Act passed in the Thirty-second Year of the Reign of His late Majesty King George the Third, intituled "An Act for more effectually embanking, draining, and otherwise improving the Island of Canvey in the County of Essex," or any Acts or Things done by the said Commissioners under the said Act.

32 Geo. 3. c. xxxi.

Saving Rights of the Inner and Middle Temple.

82. This Act, or any Power conferred by this Act, or any Byelaw made or other Thing done under any such Power, shall not take away, alter, interfere with, abridge, prejudice, or derogate from any Right, Title, Claim, Privilege, Franchise, Exemption, Immunity, Possession, Profit, Power, or Authority which under the Thames Embankment Act, 1862, or any other Act now in force, or any of the Provisions thereof respectively, the Two Societies of the Inner Temple and the Middle Temple, or either of them, are or is entitled to, or, if this Act were not passed, might from Time to Time have, exercise, enjoy, or claim.

83. Nothing in this Act contained shall prejudice, lessen, affect, or interfere with the Powers, Rights, Authorities, and Privileges of the Metropolitan Board of Works conferred on them by the Thames Embankment Act, 1862, and the Thames Embankment (South Side) Act, 1863, or any Act which may be passed in the present Session of Parliament for amending, altering, or extending the Powers of the last-mentioned Act, or with the Rights, Powers, Privileges, and Duties of the said Board under any Act or Acts of Parliament now in force relating to the Metropolitan Board of Works.

Saving Rights of the Metropolitan Board of Works.

SCHEDULE.

Form of Proxy Paper.

THE THAMES CONSERVANCY ACT, 1864.

I, *A.B.* of , being entitled to Votes at the Election of a Conservator, as Representative of Owners of Passenger Steamers [*or as the Case may be*], at the Election to be held in the Month of December 186 , do by this Writing appoint *C.D.* of , to be my Proxy to vote on my Behalf at that Election.

(Signed) *A.B.*

Witness,

X.Y.,

of .

Thames Conservancy.

A

BILL

[AS AMENDED BY THE SELECT COMMITEE]

To amend the Laws relating to the Conservancy of the River Thames; and for other Purposes relating thereto.

(*Prepared and brought in by Mr. Hutt and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 8 *June* 1864.

[Bill 135.]

Under 4 *oz.*

LORDS AMENDMENTS

TO THE

THAMES CONSERVANCY BILL.

Note.—*The Page and Line refer to the Bill* (173.) *as first printed by the Lords.*

Page 1.

Line 6. Leave out ("herein-after") and insert ("hereafter in "this Act")

Line 8. Leave out ("Fishery") and insert ("Fisheries")

Page 3.

Line 36. Leave out the First ("the"), and leave out ("for the "Time being"), and leave out ("the several"), and after ("Docks") insert ("on the River Thames")

Line 37. After ("Parliament") insert ("and of")

Line 38. After ("Wharfs") insert ("on the River Thames")

Line 39. Leave out ("for the Port of London"), and leave out ("herein-after") and insert ("hereafter")

Page 5.

Leave out Clause 13.

Page 6.

Line 26. Leave out ("or") and insert ("and")

Page 7.

Leave out Clause 16.

Page 9.

Leave out Clause 20.

Line 13. Leave out ("more than One Person") and insert ("a Partnership Body")

Line 14. Leave out ("as a Corporation, Firm, or Copartnership")

Line 15. After ("the") insert ("Partnership"), and leave out from ("name") to the End of the Clause.

Line 19. After ("follows") insert ("namely")

Line 24. Leave out ("Corporations, Partnerships, or"), and after ("Persons") insert ("Bodies Corporate and Partnerships")

Lines 28 and 29. Leave out ("the Board of")

Line 29. Leave out (" for the Time being ")

Line 35. Leave out ("as to the Right") and insert ("that the " Persons, Bodies Corporate, and Partnerships therein named, and " no others, are entitled")

Page 10.

As a Heading to Clause 23. insert (" *General Provisions as to* " *Elections* ")

Lines 2 and 3. Leave out ("Dockowners and Wharfingers, or " a Member of a Copartnership entitled so to vote") and insert (" any Class of Electors")

Line 5. After ("Corporate") insert (" or a Member of a Partnership Body")

Line 6. Leave out ("such"), and after ("Representative") insert (" of that Class of Electors")

Line 8. Leave out (" *General Provisions as to Elections*")

Page 11.

Line 25. Leave out ("a Second") and insert (" the other")

Page 15.

Line 17. After ("public") insert (" or private")

Lines 21. and 22. Leave out (" during a Conservancy Meet- " ing")

Page 17.

Line 21. Leave out ("Ten") and insert ("Nine"), and after ("repealed") insert Clauses (A.) and (B.)

Clause (A.) From and after the Expiration of the said Act of the Session of the Sixth and Seventh Years of Her Majesty, it shall not be lawful for the Trinity House to grant to any Person a Licence to dredge in the River Thames for Sand or any other Substance.

Clause (B.) From and after the Expiration of the said Act of the Session of the Sixth and Seventh Years of Her Majesty, Sections Ninety-eight and Ninety-nine of the Principal Act shall extend to authorize the Conservators, if they think fit, by themselves, or by their Contractors or Licensees, to dredge in the Bed of the River Thames for the Purpose of raising Ballast to be supplied by them to Vessels.

Page 21.

Lines 3. and 4. Leave out ("coming from or returning to " Ware and other Places on the River Lee beyond the Flow of " the Tide")

Line 22. Leave out (" the Fishing")

Line 23. After ("Thames") insert ("used for Fishing by "Persons following the Business of Fishermen, or kept to be "let to Hire for Fishing"), and leave out the Third ("the") and insert ("Persons following the Business of")

Line 24. Leave out ("others"), and leave out ("the same") and insert ("such Boats or Vessels for Fishing, and of Persons "keeping such Boats or Vessels for letting to Hire for Fishing")

Page 22.

Line 41. Leave out from ("Moorings") to ("such") in Page 23. Line 1.

Page 23.

Line 32. After ("any") insert ("Lands so vested being")

Line 43. After ("accordingly") insert Clause (C.)

Discharge of Colliers.

Clause (C.) It shall be lawful for the Conservators, from Time to Time, as and when they shall think fit, to license and permit to be erected, established, and used, and under and subject to such Rules, Regulations, and Restrictions as they shall think fit to impose, any Stages, Cranes, Apparatus, and other Machinery on the Bed of the River Thames or afloat, suitable and convenient for the unloading and discharging, by Steam, Hydraulic or other Power, of Colliers trading to and from the Port of London, and from Time to Time to order and direct such Stages, Cranes, Apparatus, and other Machinery, or any of them, to be removed.

Page 24.

Line 22. After ("the First Flow") insert ("or pass")
After ("the Second Flow") insert ("or pass")

Leave out Clause 75.

LORDS AMENDMENTS

TO THE

THAMES CONSERVANCY BILL.

Ordered, by The House of Commons, *to be Printed*
26 *July* 1864.

[Bill 240.]

Under 1 *oz.*

Thames Embankment and Metropolis Improvement (Loans) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.
Preamble.

1. Power for Treasury to guarantee Money borrowed under Acts in Schedule.
2. Mode in which Guarantee to be given.
3. Power for Treasury to make Issues out of Consolidated Fund, if necessary.
4. Repayment to Consolidated Fund.
5. Deficiency to be repaid out of general Rates of Metropolis.
6. Provision as to Appropriation of Improvement Fund during the Guarantee.
7. Power for Commissioners for Reduction of National Debt to lend under Acts in Schedule.
8. Short Title.

SCHEDULE.

A

BILL

FOR

Empowering the Commissioners of the Treasury to guarantee, and the Commissioners for the Reduction of the National Debt to advance, the Sums authorized to be borrowed for the Embankment of the Thames and Improvement of the Metropolis; and for other Purposes connected therewith.

WHEREAS under the Acts mentioned in the Schedule to this Act (hereafter in this Act referred to as the Embankment and Improvement Acts) the Metropolitan Board of Works are authorized to raise the Amounts in the same Schedule mentioned on the Securities therein mentioned: **Preamble.**

And whereas, in order to enable the Metropolitan Board of Works to obtain Advances of Money under the said Acts more readily and at a lower Rate of Interest, it is expedient to empower the Commissioners of Her Majesty's Treasury to guarantee the Repayment with Interest of Money raised under those Acts, with a Charge on the Rates of the Metropolis in case of any Payment being made in pursuance of such Guarantee:

And whereas it is also expedient to vary certain of the Provisions of the said Acts connected with the Borrowing Powers of the Metropolitan Board of Works:

And whereas it is also expedient to empower the Commissioners for the Reduction of the National Debt, out of the Funds under their Control by virtue of the Acts relating to Savings Banks and to Post Office Savings Banks, to advance to the Metropolitan Board of Works Money authorized to be borrowed by them under the Embankment and Improvement Acts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power for Treasury to guarantee Money borrowed under Acts in Schedule.

1. It shall be lawful for the Commissioners of Her Majesty's Treasury, if they think fit, from Time to Time to guarantee the Payment of the Principal and Interest of all or any Part of any Money for the Time being borrowed under the Embankment and Improvement Acts, or any of them.

Mode in which Guarantee to be given.

2. All Bonds and Securities issued under the Authority of the Embankment and Improvement Acts, or any of them, the Payment of the Principal and Interest secured whereby is intended to be so guaranteed, shall be signed by such Officer as the Commissioners of Her Majesty's Treasury from Time to Time appoint for that Purpose.

Power for Treasury to make Issues out of Consolidated Fund, if necessary.

3. For the Purpose of giving effect to the Guarantee aforesaid, it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, in aid of any Money applicable under the Embankment and Improvement Acts, or any of them, for Payment of Principal and Interest for the Time being accrued due thereunder, to cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof, such Sums as may be necessary for Payment of the same Principal and Interest, or of any Part thereof respectively.

Repayment to Consolidated Fund.

4. In case any Money is at any Time issued out of the said Consolidated Fund in pursuance of the Guarantee aforesaid, the Commissioners of Her Majesty's Treasury shall cause the same to be repaid to the said Consolidated Fund out of the Thames Embankment and Metropolis Improvement Fund (constituted by The London Coal and Wine Duties Continuance Act, 1861), as far as the same will extend.

24 & 25 Vict. c. 42.

Deficiency to be repaid out of general Rates of Metropolis.

5. In case the Thames Embankment and Metropolis Improvement Fund is at any Time insufficient to repay any Money that has theretofore been issued out of the said Consolidated Fund, in pursuance of the Guarantee aforesaid, the Commissioners of Her Majesty's Treasury shall require the Metropolitan Board of Works to repay the Amount of the Deficiency out of Money raised or to be raised by Rates, at such Time or Times and in such Manner as the Commissioners of Her Majesty's Treasury from Time to Time think fit; and any Money so required to be repaid shall be deemed Part of the Expenses of the Metropolitan Board of Works, to be defrayed, assessed, and raised by them as in The Metropolis Management Act, 1855, and the Acts amending the same, provided, and shall be raised by the Metropolitan Board of Works accordingly; and for that Purpose the Metropolitan Board of Works shall have and may exercise all such Powers and Authorities as are vested in them under the last-mentioned Acts or any of them, with reference to the borrowing of Money on the Security of Rates, or to any Matter connected therewith.

18 & 19 Vict. c. 120.

Provision as to Appropriation of Improvement Fund during the Guarantee.

6. Notwithstanding anything in the Embankment and Improvement Acts, as soon as the Commissioners of Her Majesty's Treasury have guaranteed the Payment of any Money under this Act, thenceforth during the Continuance of any such Guarantee, it shall not be incumbent on the said Commissioners to pay to the Metropolitan Board of Works any Portion of the Thames Embankment and Metropolis Improvement Fund, and during the Continuance of such Guarantee it shall be the Duty of the said Commissioners to appropriate and apply all Money becoming Part of the said Fund for the Purposes of this Act; but nothing in this Act shall interfere with any Provision of the Embankment and Improvement Acts relative to the Payment of any Part of the Thames Embankment and Metropolis Improvement Fund to the Metropolitan Board of Works when and as soon as such Guarantee has ceased to operate.

Power for Commissioners for Reduction of National Debt to lend under Acts in Schedule.

7. It shall be lawful for the Commissioners for the Reduction of the National Debt, if they think fit, with the Approval of the Commissioners of Her Majesty's Treasury, from Time to Time, out of any Money in or coming to their Hands under the Act of the last Session of Parliament (Chapter Eighty-seven), "to consolidate "and amend the Laws relating to Savings Banks," or under the Act of the Session of the Twenty-fourth and Twenty-fifth Years of Her Majesty (Chapter Fourteen), "to grant additional Facilities for "depositing small Savings at Interest, with the Security of the "Government for due Repayment thereof," or under both those Acts, to advance to the Metropolitan Board of Works for the Purposes of the Embankment and Improvement Acts, on the Security of the Thames Embankment and Metropolis Improvement Fund, with such Guarantee as by this Act authorized (but not otherwise), the whole or any Part or Parts of the Money which by the Embankment

26 & 27 Vict. c. 87.

24 & 25 Vict. c. 14.

ment and Improvement Acts the Metropolitan Board of Works are authorized to raise.

Short Title. 8. This Act may be cited as The Thames Embankment and Metropolis Improvement (Loans) Act, 1864.

SCHEDULE.

Embankment and Improvement Acts authorizing Metropolitan Board of Works to borrow.

Acts authorizing borrowing.		Amount authorized to be borrowed.	Securities authorized to be given for Amount borrowed.
Session and Chapter.	Short Title.		
A.—25 & 26 Vict. c. 93.	The Thames Embankment Act, 1862.	£ 2,000,000	1. The Thames Embankment and Metropolis Improvement Fund (under 24 & 25 Vict. c. 42., The London Coal and Wine Duties Continuance Act, 1861). 2. The Lands and Property acquired by the Metropolitan Board of Works under Acts A. and B.
B.—26 & 27 Vict. c. 45.	The Metropolis Improvement Act, 1863.		
C.—26 & 27 Vict. c. 75.	The Thames Embankment Act, 1863.	480,000	1. The Thames Embankment and Metropolis Improvement Fund (subject to the Charges thereon under Acts A. and B.) 2. The Lands and Property acquired by the Metropolitan Board of Works under Act C. 3. The Rates and Sums of Money which the Metropolitan Board of Works are authorized to raise under The Metropolis Management Act, 1855, and The Metropolis Management Amendment Act, 1862.

Thames Embankment and Metropolis Improvement (Loans).

A

B I L L

For empowering the Commissioners of the Treasury to guarantee, and the Commissioners for the Reduction of the National Debt to advance, the Sums authorized to be borrowed for the Embankment of the Thames and Improvement of the Metropolis; and for other Purposes connected therewith.

(Prepared and brought in by
Mr. Chancellor of the Exchequer and
Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
5 *July* 1864.

[Bill 191.]

Under 1 *oz.*

Titles (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Short Title. Limitation; Sect. 1.

Interpretation; 2.

Repeal of Acts authorizing the Registration of Deeds so far as they affect Lands under the Provisions of this Act; 3.

Part 1.—*The Official Establishment.*

Lands Titles Office to be appointed. Establishment subject to Control of the Landed Estates Court; 4.

Appointment to and Tenure of Office; 5.

Officers prohibited from becoming Members of Parliament or practising the Profession of the Law; 6.

Salaries and Expenses; 7.

Accounts to be kept of Monies received for Fees; 8.

No Fees to be taken but what are specified in Schedule (2) to be paid; 9.

Collection of Fees; 10.

Stamp Acts applied to Stamps under this Act; 11.

Oath of Office; 12.

Seal of Office; 13.

Powers of the Recorder of Titles; 14.

Powers of Estates Court to alter Forms and regulate Proceedings; 15.

Part 2.—*How Lands are subjected to the Provisions of this Act. The Nature of the Title, and how recorded.*

What Lands are subjected to the Provisions of this Act; 16.

Registrar of Deeds to note the bringing of Land under the Provisions of this Act; 17.

Conveyances and Declarations of Title to be in Duplicate, with Map; 18.

Requirements as to Maps; 19.

Form of Declaration of Title; 20.

Record Book—Estates and Interests how recorded; 21.

Memorandum described; 22.

Priority of Estates and Interests; 23.

Title of recorded Owner indefeasible; 24.

Estates Court may cancel Record of Ownership upon Fraud being proved, saving the Case of Ownership recorded upon dealing bonâ fide for Value with fraudulent Owner; 25.

Purchaser not to be affected by Notice; 26.

Recorded Owner suing for specific Performance; 27.

Informality not to prejudice Entry in Record; 28.

PART 3.—*How Land under the Provisions of this Act may be leased, charged, transferred, and otherwise dealt with.*

No Instrument effectual to pass, charge, or affect Land. Estate or Interest to pass or become charged or affected when recorded; 29.

Requirements in Instruments. Covenant for further Assurances implied; 30.

Implied Covenants may be modified or negatived; 31.

Recording Memorials to be indorsed on Instruments of Title. Certificate of Record to be indorsed upon Instruments of Contract, and to be Evidence. Originals of Instrument of Contract to be filed, Duplicates to be returned; 32.

Instruments how attested, and before whom proved; 33.

Seal of Corporation substituted for Signature; 34.

Joint Owners to be Joint Tenants. Tenants in Common to receive distinct Certificates; 35.

Leases; 36.

Recorder to note Particulars of Re-entry on the Record; 37.

Lease may be surrendered by Indorsement by Lessee with Concurrence of Lessor; 38.

Lands under this Act how incumbered; 39.

Incumbrances not to operate as Transfer. Procedure in case of Default. May enter into Possession. May distrain. May apply to the Court to authorize Sale; 40.

Judge to order Sale unless Money paid into Court. Incumbrancee may bid at Sale. Purchaser to be recorded Owner; 41.

Recorded Owner of Incumbrance of Leasehold entering into Possession liable to Lessor; 42.

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SCHEDULES.

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Provide more certain and economic Means for transferring and otherwise dealing with certain Lands in Ireland.

WHEREAS an Act was passed in the Session of Parliament holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, intituled "An Act "to facilitate the Sale and Transfer of Land in Ireland:" And whereas Titles to Land which, by the Operation of the said recited Act, have been cleared from Doubts and Complexities, are liable to be again involved in like Doubts and Complexities when dealt with under the existing Law relating to the conveyancing of Estates and Interests in Land; and it is desirable to remove such Liability, and to provide more certain and economic Means for transferring and otherwise dealing with such Lands: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Recording "of Titles Act, Ireland," and shall extend to Ireland only. Short Title. Limitation.

Interpretation.

2. In the Construction and for the Purposes of this Act, and in all Instruments purporting to be made or executed thereunder, (if not inconsistent with the Context and Subject Matter,) the following Terms shall bear the respective Meanings set against them:

"Land" shall include and extend to Manors, Advowsons, Rectories, Messuages, Tithes, Lands, Tenements, Rents, Annuities, or Sums of Money charged on Lands and Hereditaments of any Tenure, or any Estate or Interest therein, partial, derivative, or otherwise, and whether such be held as Freehold or Chattel or held by Lease, or whether subject to any Fee-farm or perpetual Rent, with or without the Condition of Re-entry for securing the same, or otherwise, or whether corporeal or incorporeal, and whether a divided or undivided Share:

"Estate" shall include and extend to an Estate in Equity as well as at Law, and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for or Right of Renewal, and whether this Land be held in Fee Simple or for any lesser Estate, or held by Lease:

"Owner," as applied to Land, shall include any Person beneficially intitled in possession to an Estate in Fee Simple or Fee Tail, or for any lesser, partial, or derivative, or other Estate, Freehold or Chattel, at Law or in Equity, or any Person entitled to such Estate as a Trustee:

"Person or Owner" shall extend to a Body Politic or Corporate as well as to an Individual:

"The Recorder of Titles" shall mean and include as well "The Recorder of Titles" as also any "Assistant Recorder of Titles" under this Act:

"Instrument" shall mean and include any Declaration of Title, Conveyance, Assurance, Deed, Map, Plan, Will, Probate, or Exemplification of Will, or any other Document in Writing, relating to the Transfer or other Dealing with Land, or evidencing Title thereto:

The describing any Person as Owner, Transferor, Transferee, Mortgagor, Mortgagee, Chargor, Chargee, Encumbrancer, Encumbrancee, Lessor or Lessee, or as Trustee, or as seised of having or taking any Estate or Interest in any Land, shall be deemed to include the Heirs, Executors, Administrators, and Assigns of such Person:

And generally, unless the contrary shall appear from the Context, every Word importing the Singular Number only shall extend to several Persons or Things, and every Word importing the Plural Number shall apply also to One Person or Thing, and every Word importing the Masculine Gender only shall extend to a Female; and whenever a Form in any Schedule hereto is directed to be used, such Direction shall apply equally to any Form to the like Effect which for the same Purpose may be authorized in conformity with the Provisions of this Act, and any Variation from such Form, not being in Matter of Substance, shall not affect its Validity or Regularity, but it may be used with such Alterations as the Character of the Parties, or the Circumstances of the Case, may render necessary.

Repeal of Acts authorizing the Registration of Deeds so far as they affect Lands under the Provisions of this Act.

3. So much of the said recited Act of the Twenty-first and Twenty-second Years of Her Majesty as authorizes the Registration and filing in the Office for the Registry of Deeds in Ireland of any Conveyance or Declaration of Title by the Landed Estates Court, and so much of the several Acts and Parts of Acts set forth in the First Schedule hereto as authorize the Registration in the said Office of any Deed or Instrument, other than a Will, purporting to convey, charge, or otherwise deal with any Land which may, consequent upon such Conveyance or Declaration of Title, become subject to the Provisions of this Act, shall be and the same are hereby repealed from the Date on which this Act shall come into operation.

PART 1st.—*The Official Establishment.*

Lands Titles Office to be appointed. Establishment subject to Control of the Landed Estates Court.

4. An Office, to be called the "Lands Titles Office," shall be appointed in the City of Dublin. The Establishment of the said Office shall consist of a Recorder of Titles, a Conveyancer, an Assistant Recorder of Titles, an Assistant Conveyancer, and so many Officers and Clerks as the Lord Lieutenant of Ireland, with the Sanction of the Commissioners of Her Majesty's Treasury, shall from Time to Time think fit, and shall be subject to the Direction, Management, and Superintendence of the Judges of the Landed Estates Court.

Appointment to and Tenure of Office.

5. The Recorder of Titles, the Conveyancer, the Assistant Recorder of Titles, the Assistant Conveyancer, and other permanent Officers and Clerks of the said Establishment shall be appointed by the Lord Lieutenant of Ireland. The Recorder, the Conveyancer, the Assistant Recorder, and the Assistant Conveyancer shall hold their Offices during good Behaviour, subject to be removed by the joint Order of the Judges of the Landed Estates Court, with the Sanction of the Lord Lieutenant of Ireland, for some reasonable Cause in such Order expressed; and all other Officers and Clerks of the said Establishment shall hold their Offices during Pleasure, and be removable by the joint Order of the said Judges, with the Sanction of the Lord Lieutenant of Ireland.

Officers prohibited from becoming Members of Parliament or practising the Profession of the Law.

6. No Officer of the said Establishment shall be capable of being elected or of sitting as a Member of the House of Commons, or shall, during the Term of his holding such Office, directly or indirectly practise as a Barrister or Attorney, or participate in the Fees of any other Person so practising.

Salaries and Expenses.

7. There shall be paid, out of Monies to be provided by Parliament, to the Officers and others who may be appointed under the Provisions of this Act, such Sums of Money or Salaries, at such Times and in such Manner as the Commissioners of Her Majesty's Treasury shall approve, upon the Recommendation of the Judges of the Landed Estates Court, with the Approval of the Lord Lieutenant of Ireland.

Accounts to be kept of Monies received for Fees.
2 & 3 W. 4. c. 87. s. 4.

8. Accounts shall be kept of all Sums of Money received and paid in the said Office, in such Manner as the Judges of the Landed Estates Court shall from Time to Time direct; and the Balance, if any, shall be paid into the Consolidated Fund, or to such Account, at such Times, and in such Manner as the Commissioners of Her Majesty's Treasury shall from Time to Time appoint.

No Fees to be taken but what are specified in Schedule (3.) to be paid.
2 & 3 W. 4. c. 87. s. 5.

9. There shall be paid and payable in the said Office the several Fees only which are specified in the Third Schedule hereto, and no other Fee or Fees whatsoever: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury to reduce, alter, or vary the said Fees, or any of them, to the Intent that the same shall be justly apportioned, and that no greater Fees shall be charged than will amount to a Sum sufficient to discharge the Expenses of the said Office.

Collection of Fees.

10. The following Rules shall be observed with respect to the Collection of Fees payable under this Act:

1. All such Fees shall be received by Stamps denoting the Amount of Fees payable, and not in Money:
2. When any Fee is payable in respect of any Instrument, a Stamp denoting the Amount of Fee shall be affixed to such Instrument:
3. The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps.

Stamp Acts applied to Stamps under this Act.

11. The several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Instrument on which such Stamps may be impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Oath of Office.

12. The Oath following shall be taken before One of the Judges of the Landed Estates Court, by every Recorder of Titles and Assistant Recorder, before entering upon the Execution of his Office under this Act:

'I *A. B.* do solemnly swear, That I will faithfully and to the best 'of my Ability, execute and perform the Office and Duties of '[Recorder of Titles *or* Assistant Recorder], in accordance with 'the Provisions of "The Lands Titles (Ireland) Act."

'So help me GOD.'

Seal of Office.

13. The Recorder of Titles shall have and use a Seal of Office, and every Instrument bearing the Imprint of such Seal, and purporting to be signed or issued by the Recorder of Titles or by any Assistant Recorder, shall be received in Evidence in all Courts of Law and Equity, and shall be deemed to be signed or issued by or under the Direction of Recorder of Titles, without further Proof, unless the contrary be shown.

Powers of the Recorder of Titles.

14. The Recorder of Titles may exercise the following Powers:

(1.) He may administer Oaths, or may take a statutory Declaration in lieu of administering an Oath:

To supply Omissions and correct Errors in Entries.

(2.) He may, with Consent of a Judge of the Landed Estates Court, correct Errors in Declarations of Title and other Instruments, or in the Record Book, or in Entries made therein respectively, and may supply Entries omitted to be made under the Provisions of this Act; provided always, that in the Correction of any such Error he shall not erase or render illegible the original Words, and shall affix the Date on which such Correction was made or Entry supplied, with his Initials; and every Instrument so corrected, and every Entry so corrected or supplied, shall have the like Validity and Effect as if such Error had not been made or such Entry omitted, except as regards any Entry made in the Record Book prior to the actual Time of correcting the Error or supplying the omitted Entry:

To enter Caveats.

(3.) He may, with Consent of a Judge of the Landed Estates Court, enter Caveat on behalf of any Person who shall be under the Disability of Infancy, Coverture, Lunacy, Unsoundness of Mind, or Absence beyond Seas, or on behalf of Her Majesty, Her Heirs or Successors, to prohibit the Transfer or Dealing with any Land belonging or supposed to belong to any such Persons, and also to prohibit the Dealing with any Land in any Case in which it shall appear to him that an Error has been made, by Misdescription of such Land or otherwise, in any Declaration of Title or other Instrument, or for the Prevention of any Fraud or improper Dealing:

May obtain judicial Opinion in case of Doubt.

(4.) He may, in any Case of Difficulty or Doubt arising in the Execution of his Duties, apply to a Judge of the Landed Estates Court, and take his Direction in relation thereto, and shall not be answerable for any Act bonâ fide done in pursuance of such Direction.

Powers of Estates Court to prescribe Forms and regulate Proceedings.

15. The Judges of the Landed Estates Court may exercise the following Powers:

(1.) They may from Time to Time, after Conference with the Recorder of Titles, make General Orders prescribing the Forms of Contract and other Instruments necessary for carrying out the Provisions of this Act, and for the Conduct of Business under this Act; and such General Orders shall be of the same Force as if enacted by Parliament; they may from Time to Time be rescinded, added to, amended, or altered in like Manner; and the Recorder of Titles shall not receive nor act upon any Instrument except in accordance with such Orders and with the Provisions herein contained:

(2.) In any Case involving a Question of Fact in connexion with the Administration of this Act, they may direct an Issue to be tried in such Court as they may appoint.

PART 2.—*How Lands are subjected to the Provisions of this Act. The Nature of the Title acquired, and how recorded.*

What Lands are subjected to the Provisions of this Act.

16. All Lands included in any Conveyance or Declaration of Title which shall be granted by the Landed Estates Court or a Judge thereof, in accordance with the Provisions of the said recited Act of the 21st and 22nd Victoria, on or after the Day on which this Act shall come into operation, shall be subject to the Provisions of this Act, and may be transferred, incumbered, or otherwise dealt with by any of the Forms of Procedure in this Act prescribed.

Registrar of Deed to note the bringing of Land under the Provisions of this Act.

17. Upon Receipt of a Certificate under the Hand of a Judge of the Landed Estates Court, notifying the Grant of any Conveyance or Declaration of Title by the said Court, the Registrar of Deeds shall notify the same by Memorandum in the Index of Lands, and on the last registered Memorial relating to the Lands comprised in such "Conveyance" or "Declaration of Title."

Conveyances and Declarations of Title to be in duplicate with Map.

18. Every "Conveyance" and every "Declaration of Title" granted by the said Court on or after the Day on which this Act shall come into operation shall be in Duplicate, and shall contain a Map of the Land included therein, or shall refer by Number or Symbol to a Map of such Land deposited in the Lands Titles Office, and shall be forwarded to the Recorder of Titles, to be by him recorded and issued.

Requirements as to Maps.

19. Every Map contained in any "Conveyance" or "Declaration of Title" deposited in the Lands Titles Office for the Purposes of this Act shall be upon such Scale as the Judges of the Landed Estates Court may appoint, and shall indicate the County, the Barony, the Townland, City, or Town, and, in the Case of a City or Town, the Parish in which the Lands referred to are situated, according to the Designations given in the Ordnance Maps of Ireland, and shall in other respects be conformed to such Regulations as the said Judges may appoint.

Form of Declaration of Title.

20. Every Declaration of Title issued by the Recorder of Titles pursuant to the Provisions herein-after contained shall be in Duplicate in the Form A. of the Second Schedule hereto, and shall contain or refer to a Map, in accordance with the Provisions herein-before contained.

Record Book.

21. The Recorder of Titles shall keep a Book, herein-after called "the Record," and shall bind up therein One Original of each Conveyance and of each Declaration of Title granted by the said Court, or which shall be issued by him as herein-after prescribed; and upon any "Conveyance" or "Declaration of Title" so granted being marked by the Recorder of Titles, with the Volume and Folium of the Record in which it is so embodied, every Estate or Interest comprised thereunder shall be deemed and taken to be recorded under the Provisions of this Act; and every Transfer, Incumbrance, Dealing, Transmission, or Matter affecting any Estate or Interest in any Land under the Provisions of this Act shall be deemed and taken to be recorded upon Entry of Memorandum thereof by the Recorder of Titles upon the Folium of the Record appropriated to such Land.

Estates and Interests how recorded.

Memorandum described.

22. Every Memorandum entered in the Record shall indicate the Land affected thereby, the Nature of the Transaction or Matter, the Names and Descriptions of the Parties, and shall refer by

Number or Symbol to the Instrument of Contract or other Authority for recording the same, and shall be signed by the Recorder.

Priority of Estates and Interests.

23. Estates and Interests in Land, and all Incumbrances, Dealings, and Matters affecting the same, shall take Priority among themselves according to the Order of Time in which they are recorded, and shall have Priority over all other Estate or Interest whatsoever; and the Person named in such Record as seised of, taking, or owning any Estate or Interest shall be deemed the recorded Owner thereof.

Title of recorded Owner indefeasible.

24. The recorded Owner of any Land, Estate, or Interest under the Provisions of this Act shall, except in the Case of actual Fraud, and except as is herein-after provided, hold the same subject to such Incumbrances, Tenancies, Rights of Common, or other Easements, Leases and Under-leases, as may be expressed or notified in the Folium of the Record appropriated to such Land, but discharged from all former and other Estates, Rights, Titles, and Incumbrances whatsoever, of Her Majesty, Her Heirs and Successors, and of all other Persons whomoever: Provided always, that nothing herein contained shall prejudice or affect any Holding for a Term of Years not exceeding Three, or any Rentcharge in lieu of Tithes, Crownrent or Quitrent, charged upon or issuing out of any Land, or any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled "An Act to promote the Drainage of "Land, and Improvement of Navigation and Water Power in connexion with such Drainage in Ireland," and the Acts amending the same, or by virtue of an Act passed in the Ninth Year of Her Majesty, intituled "An Act to facilitate the Improvement of "Landed Property in Ireland," unless it shall be expressed in such Folium that the Land therein described has been discharged of all Crown Rents, Quit Rents, or Charges under the said Acts, or either of them, by the Landed Estates Court.

Estates Court may cancel Record of Ownership upon Fraud being proved, saving the Case of Ownership recorded upon dealing bonâ fide for Value with fraudulent Owner.

25. It shall be lawful for the Landed Estates Court, upon Proof to their Satisfaction, to cancel any Record of Ownership, if obtained by actual Fraud, or if derived from a fraudulent Owner otherwise than bonâ fide for valuable Consideration; saving always, however, any Ownership recorded upon Purchase, Mortgage, or other Dealing bonâ fide for Value, from or with a Person fraudulently recorded as Owner, or from or with a Person deriving by Transmission or otherwise from or through a Person fraudulently recorded as Owner.

Purchaser not to be affected by Notice.

26. No Person not cognizant of Fraud, contracting or dealing with, or taking or proposing to take for valuable Consideration, a

Transfer or Incumbrance from the recorded Owner of any Estate or Interest, shall be required or in any Manner concerned to inquire or ascertain the Circumstances in, or the Consideration for which, such recorded Owner or any previous Owner of the Estate and Interest in question is or was recorded, or to see to the Application of the Purchase Money, or any Part thereof, or shall be affected by Notice, direct or constructive, of any Trust or unrecorded Interest, any Rule of Law or Equity to the contrary notwithstanding; and the Knowledge that any such Trust or unrecorded Interest is in existence shall not of itself be imputed as Fraud.

Recorded Owner suing for specific Performances.

27. In any Suit for specific Performance brought by a recorded Owner of any Land under the Provisions of this Act against a Person who may have contracted to purchase such Land, not having Notice of any Fraud or other Circumstance which, according to the Provisions of this Act, would affect the Right of the Vendor, the recorded Conveyance, Declaration of Title, or Certificate of recorded Ownership shall be held in every Court of Law or Equity to be conclusive Evidence that such recorded Owner has a good and valid Title to the Land, and for the Estate or Interest therein mentioned or described, and shall entitle such recorded Owner to a Decree for the specific Performance of such Contract.

Informality not to prejudice Entry in Record.

28. No Entry in such Record as aforesaid shall be set aside or called in question as against any Person who may afterwards become interested therein under any Transfer, Incumbrance, Lease, or Contract for valuable Consideration, by reason of any Irregularity or Informality in the Proceedings previous to the making thereof.

Part 3.—*How Land, under the Provisions of this Act, may be leased, incumbranced, transferred, and otherwise dealt with.*

No Instrument effectual to pass, incumber, or affect Land.

29. No Deed or Instrument shall be effectual to pass, incumber, deal with, or affect any Estate or Interest in Land subject to the Provisions of this Act; but upon Receipt of any Instrument of Contract or other Instrument, in conformity with the Provisions of this Act, and of the proper Fee for each Case prescribed, the Recorder of Titles shall record the Transfer, Incumbrance, Dealing, or Matter specified in such Instrument in manner herein-before provided; and thereupon the Estate or Interest shall pass or become incumbered, dealt with, or affected in manner and subject to the Covenants, Conditions, and Contingencies specified in such Instrument, or by this or any other Act declared to be implied in Instruments of the like Nature.

Estate or Interest to pass or become incumbered or affected when recorded.

Requirements in Instruments.

30. Instruments of Contract for transferring, incumbering, or otherwise dealing with Lands under the Provisions of this Act shall be in such Form as may be authorized by the Landed Estates Court, and shall set forth the Nature of the Estate or Interest intended to be created or dealt with, and, except in Cases when Declaration of Title is required as herein-after provided, or when endorsed upon the Instrument evidencing the Title of the recorded Owner, shall be in Duplicate, and shall, for Description of the Land, refer to the Folium of the Record constituted by the Conveyance or Declaration of Title thereof; and when Portion only of the Land included in such Folium is intended to be dealt with, shall accurately describe such Portion, and shall contain a Map of the same, or refer to a Map thereof deposited in accordance with the Provisions of this Act; and in every such Instrument there shall be implied against the Party transferring, incumbering, or dealing, the Covenant that he will do such Acts and execute such Instruments as, in accordance with the Provisions of this Act, may be requisite to give effect to all Covenants, Conditions, and Purposes expressed in such Instrument, or by this Act declared to be implied in Instruments of a like Nature.

Covenants for further Assurance implied.

Implied Covenant may be modified or negatived.

31. Every Covenant and Power to be implied in any Instrument by virtue of this or any other Act may be negatived or modified by express Declaration in such Instrument; and in any Declaration in an Action for Breach of any such Covenant the Covenant alleged to be broken may be set forth, and it shall be lawful to allege that the Party against whom such Action is brought did so covenant precisely in the same Manner as if such Covenant had been expressed in Words in such Instrument, any Law or Practice to the contrary notwithstanding; and every such implied Covenant shall have the same Force and Effect, and be enforced in the same Manner, as if it had been set out at length in such Instrument; and where any Instrument in accordance with the Provisions of this Act is executed by more Parties than One, such Covenants as are by this Act declared to be implied in Instruments of the like Nature shall be construed to be several, and not to bind the Parties jointly.

Recording Memorandum to be indorsed on Instruments of Title.

Certificate of Record to be endorsed upon Instruments of Contract, and to be Evidence.

32. Whenever Memorandum of any Dealing or Matter has been entered in the Record, a like Memorandum shall be entered upon the Duplicate Conveyance, Declaration of Title, or other Instrument evidencing the recorded Ownership of the Estate or Interest dealt with or affected by such Memorandum; and a Certificate of the Day and Hour when such Memorandum was recorded shall be endorsed on or annexed to the Instrument of Contract or other Instrument authorizing Entry in the Record, and shall be signed by the Recorder of Titles, and stamped with his Seal; and such

Instrument shall thereupon be deemed to be constructively embodied in the Record, and shall be received in all Courts of Law and Equity as conclusive Evidence that the Estate, Interest, or Matter expressed therein has been duly recorded; and the Recorder of Titles shall file such Instrument in the Lands Titles Office, and shall deliver the Duplicate thereof to the Party entitled thereunder.

Originals of Instrument of Contract to be filed, Duplicates to be returned.

Instrument how attested, and before whom proved.

33. Instruments of Contract, if attested by One Witness, shall be held to be duly attested, and the Execution thereof may be proved, if the Parties executing the same be resident in the United Kingdom, then before a Notary Public, Justice of the Peace, or a Commissioner for taking Affidavits, or before the Recorder of Titles, Ireland, or an Assistant Recorder, or before the Registrar of Titles, England, or an Assistant Registrar; if the said Parties be resident in any British Possession, then before the Registrar General or Recorder of Titles of such Possession, or before any Judge or Notary Public, or before the Governor, Government Resident, or Chief Secretary thereof; and if the said Parties be resident at any Foreign Place, then before the British Consular Officer resident at such Place.

Seal of Corporation substituted for Signature.

34. A Corporation, for the Purpose of transferring or otherwise dealing with Land under the Provisions of this Act, in lieu of signing the proper Instrument for such Purpose prescribed, may affix thereto the Common Seal of such Corporation, with a Certificate that such Seal was affixed by the proper Officer, verified by his Signature.

JointOwners to be Joint Tenants.

Tenants in Common to receive distinct Certificates.

35. Two or more Persons who may be recorded as Joint Owners of an Estate or Interest in Land under the Provisions of this Act shall be deemed to be entitled to the same as Joint Tenants; and in all Cases where Two or more Persons are entitled as Tenants in Common to undivided Shares of or in any Land, such Persons shall be bound to receive separate and distinct Declarations of Title or other Instrument evidencing Title to such undivided Shares.

Leases.

36. Whenever Land under the Provisions of this Act is intended to be leased or demised for a Life or Lives, or for a Term of Years exceeding Three Years, the recorded Owner and the Lessee shall execute a Contract for Lease in such Form as may in any General Orders of the Landed Estates Court be prescribed; and if the Land be subject to any recorded Incumbrance, the Lease shall not be binding as against the Owner of such Incumbrance unless he shall consent thereto, or the Lease be executed under a Power lawfully enabling the Lessor in that Behalf; and in every Lease where recorded in manner herein-before provided there shall be implied such

Agreements, Powers, and Rights as are declared to be implied in Leases under "The Landlord and Tenant and Amendment Act, Ireland, 1860."

Recorder to note Particulars of Re-entry in the Record.

37. Upon Proof to his Satisfaction of lawful Re-entry and Recovery of Possession by a Lessor, the Recorder of Titles shall, after the Period allowed for Redemption by any Law in that Behalf in force at the Time being, note the same by Entry in the Record, and the Estate of the Lessee in such Land shall thereupon determine, but without releasing him from his Liability in respect of the Breach of any Covenant in such Lease expressed or implied, and the Recorder of Titles shall cancel such Lease when delivered to him for that Purpose.

Lease may be surrendered by Indorsement by Lessee with Concurrence of Lessor.

38. Whenever any recorded Lease or Demise is intended to be surrendered, and the Surrender thereof is effected otherwise than through the Operation of a Surrender in Law, or than under the Provisions of any Law at the Time being in force relating to Insolvent Estates, there shall be indorsed upon such Lease, or on the Counterpart thereof, the Word "Surrendered," with the Date of such Surrender; and such Indorsement shall be signed by the Lessee and by the Lessor as Evidence of the Acceptance thereof, and shall be attested by a Witness; and upon such Surrender being recorded in manner herein-before provided, the Estate or Interest of the Lessee in such Land shall revest in the Lessor, or in the Person in whom, having regard to intervening Circumstances, if any, the said Land would have vested if no such Lease had ever been executed: Provided, that no Lease subject to Incumbrance shall be so surrendered without the Consent of the Incumbrance.

Lands under this Act how incumbered.

39. Whenever any Land or Estate or Interest in Land under the Provisions of this Act is intended to be incumbered as Security in favour of any Mortgagee, or as Security for the Payment of an Annuity, Rentcharge, or Sum of Money in favour of any Chargee, the Mortgagor or Chargor shall execute a Contract for Mortgage or Charge in such Form as may by any General Order of the Landed Estates Court be prescribed; and every such Instrument shall contain an accurate Statement of the Estate or Interest intended to be mortgaged or charged, together with a Statement of all other Incumbrances affecting the same, if any.

Incumbrance not to operate as Transfer.

Procedure in case of Default.

40. Recorded Incumbrances under this Act shall have effect as Security, but shall not operate as a Transfer of the Land thereby incumbered, and in case Default be made in the Payment of the Principal Sum, Interest, Annuity, or Rentcharge, or any Part thereof, thereby secured, or in the Observance of any Covenant expressed, or by this Act declared to be implied therein, and such Default be continued for the Space of One Calendar Month, the Incumbrancee may give to the Incumbrancer Notice in Writing to pay the Money then due or owing on such Incumbrance, or to observe the Covenants therein expressed or implied, as the Case may be, or may leave such Notice on the incumbered Land, or at the usual or last known Place of Abode of the Incumbrancer or other Person claiming to be then entitled to the said Land; and after such Default in Payment, or in observance of Covenants continuing, for the further Space of One Calendar Month from the Service of such Notice, or for such other Period as may in such Instrument be for that Purpose limited, such Incumbrancee may enter into possession of the Incumbered Land by receiving the Rents and Profits thereof, or may distrain upon and sell the Goods and Chattels of the Incumbrancer found thereon, or the Goods and Chattels of the Occupier or Tenant thereof, and retain out of the Proceeds the Amount of any Principal Sum, Interest, Annuity, or Rentcharge then in arrear, together with all Costs and Expenses occasioned by such Distress and Sale; provided that no such Distress shall be made upon the Goods and Chattels of any Occupier or Tenant, except for Recovery of any Amount due by him as Rent to such Incumbrancer; or such Incumbrancee may apply to a Judge of the Landed Estates Court for an Order authorizing the Sale of such Land.

May enter into Possession.

May distrain.

May apply to Judge to order Sale.

41. Upon such Application, and Proof to his Satisfaction of Default made and Notice served as aforesaid, it shall be lawful for any Judge of the Estates Court to order the Sale of such incumbered Land, or of any Part thereof, subject to such Conditions as he may prescribe, unless, within a Time to be appointed by such Judge, a sufficient Sum be paid into Court to satisfy the Principal Sum, Interest, or other Monies due upon such Incumbrance, together with the Costs occasioned by such Proceedings and Sale; and it shall be lawful for the Incumbrancee to bid at such Sale; and the Monies arising from such Sale shall be applied, first, in Payment of the Expenses incurred, secondly, in Payment of the Monies then due or owing to the Incumbrancee, thirdly, in Payment of subsequent Incumbrances, if any, in the Order of their Priority, and the Surplus, if any, shall be paid to the Incumbrancer; and such Judge shall issue to the Purchaser a Certificate of the Sale to him of such Land, acknowledging the Payment of the Purchase Money into Court; and upon such Certificate of Sale being recorded in manner herein-before provided, such Purchaser shall be deemed the recorded Owner of such Land, and shall hold the same free from all Claims and Equity of Redemption on the Part of the

Judge to order Sale unless Money paid into Court.]

Incumbrancee may bid at Sale.

Purchaser to be recorded Owner

Incumbrancer, or of any Person claiming through or under him, except the Estate or Interest of the recorded Owner of any prior Incumbrance.

Recorded Owner of Incumbrance of Leasehold entering into possession liable to Lessor.

42. The recorded Owner of any Incumbrance of Leasehold Land under the Provisions of this Act, after entering into possession of the said Land, or the Rents and Profits thereof, shall during such Possession, and to the Extent of any Rents and Profits which may be received by him, become and be subject and liable to the Lessor of the said Land, or the Person for the Time being entitled to the said Lessor's Estate or Interest, to the same Extent as the Lessee or Tenant was previously subject and liable.

Incumbrances how released.

43. Upon the Production of a Receipt or other Instrument, signed by the recorded Owner of any Incumbrance, and attested as hereinbefore provided, authorizing the Release of the whole or any Part of the Land from the whole or Portion of the Principal Sum or Annuity secured, the Recorder of Titles shall record such Release, and thereupon the Land, or the Portion thereof, as the Case may be, shall cease to be liable for or to be subject to such Principal Sum or Annuity, or the Portion thereof expressed to be discharged by such Record; and upon Proof of the Death of the Annuitant, or of the Occurrence of the Event or Circumstance upon which, in accordance with the Covenants and Conditions of any recorded Charge, the Annuity or Sum of Money thereby secured should cease to be payable, together with Proof that all Arrears of such Annuity, or Interest, or Sum of Money, have been paid or satisfied, the Recorder of Titles shall enter on the proper Folium of the Record a Memorandum releasing the Land from such Charge, and thereupon the Land shall cease to be liable for or subject to such Annuity or Sum of Money, and in either such Case as aforesaid the Recorder of Titles shall cancel the Instrument evidencing the Title of the recorded Owner of such Incumbrance; provided also, that no Incumbrance which may become vested in the Owner of an Estate of Inheritance in the Land charged therewith shall merge by reason thereof without the express Direction of such Owner entered in the Record.

Transfers.

44. When Land under the Provisions of this Act is intended to be transferred, or any Easement or incorporeal Right is intended to be granted or transferred, the recorded Owner may execute a "Contract for Transfer," in such Form as may by any General Orders of the Landed Estates Court be prescribed, giving an accurate Description of the Estate, Interest, Easement, or Right intended to be transferred or granted, and of all Leases and Incumbrances to which the same may be subject; and in every such Instrument there shall be implied the Covenant by the Transferree that he will pay the Rent, Principal Sum, Interest, Annuity, or Rentcharge, or other Charge to which the Land, Estate, or Interest therein specified as to be transferred may be liable, and will indemnify and keep harmless the Transferor from and against all Liability in respect to any Covenants to which the said Transferor was liable as attaching to such Land, Estate, or Interest.

Instruments bearing Certificate of recorded Title to be delivered up and cancelled.

45. The transferring Owner shall at the same Time deliver up the Instrument evidencing his recorded Title to the Land, Estate, Interest, or Right proposed to be transferred, and if the Contract for Transfer purports to pass an Estate or Interest evidenced by recorded Conveyance or Declaration of Title, it shall be lawful for the Recorder of Titles to endorse thereon a Memorandum, cancelling the same, either wholly or in part, according as the Contract for Transfer purports to pass the entire or Part only of the Land therein comprised, and to retain in his Office such Contract for Transfer, and cancelled or in part cancelled Conveyance or Declaration of Title, and to make out to the Transferee a Declaration of Title to the Land comprised in such Contract for Transfer; and also, when required by the transferring Owner, shall make out to him a Declaration of Title for any Balance or Portion of Land remaining over and above the Quantity transferred; and upon such Contract for Transfer being recorded in accordance with the Provisions hereinbefore contained, the Land, Estate, or Interest of the Transferor, as set forth in such Instrument, with all Rights, Powers, and Privileges thereto belonging and appertaining, including the Right to sue, shall pass to the Transferee.

Fresh Declaration of Title may be issued upon Transfer.

Transfer when recorded to take effect.

Transfer of Easements and incorporeal Rights.

46. Whenever any Easement or incorporeal Right in or over any and other than an Annuity or Rentcharge is intended to be annexed to, used, and enjoyed with other Land under the Provisions of this Act, the Recorder of Titles shall enter the Memorandum creating such Easement or "incorporeal Right" upon the Folium of the Record constituted by the Conveyance or Declaration of Title to the Land to which such Easement or incorporeal Right is to be annexed, as well as on the Folium appropriated to the Land on or over which it is to be exercised.

Owner may vest Estate jointly in himself and others without limiting any Use or

47. The recorded Owner of any Land may execute a Contract for Transfer, modified as may be necessary, for the Purpose of transferring such Land or any Part thereof to his Wife, or if such recorded Owner be a married Woman, it shall be lawful for her to execute such Contract in favour of her Husband, or it shall be executing any Assignment.

lawful for such recorded Owner to execute such Contract in favour of himself jointly with any other Person or Persons, or to create or execute any Powers of Appointment, or to limit any Estates, whether by Remainder or otherwise, without limiting any Use or executing any Re-assignment; and upon such Contract being recorded, the Land shall vest in such recorded Owner jointly with any other Person or Persons, or in the Person taking under such Limitation, and upon the recording of any Contract in execution of any Power the Estate or Interest thereby appointed shall in like Manner vest.

No Notice of Trusts to be entered in Record.

Instrument declaring Trusts to be deposited.

48. The Recorder shall not enter in the Record any Notice of Trusts, whether expressed, implied, or constructive, but Trusts may be declared by any Instrument or Deed, which Instrument or Deed, or a Duplicate or an attested Copy thereof, may be deposited with the Recorder of Titles for safe Custody and Reference, but shall not be recorded.

Insertion of the Words "no Survivorship" operative to prevent a less Number of Trustees than those recorded dealing with the Land, without Order of Court.

49. Upon the Transfer of any Land under the Provisions of this Act to Two or more Persons as Joint Owners, to be held by them as Trustees, it shall be lawful for the Transferor to insert in the Contract for Transfer the Words "no Survivorship," and the Recorder of Titles shall in such Case include such Words in the Memorandum of such Instrument to be entered by him in the Record as herein-before directed, and shall also enter the said Words upon any Declaration of Title issued to such Joint Owners pursuant to such Transfer; and any Two or more Persons recorded as Joint Owners of any Land under the Provisions of this Act held by them as Trustees may, by Writing under their Hand, authorize the Recorder to enter the Words "no Survivorship" upon the Conveyance, Declaration of Title, or other Instrument evidencing their Title to such Land, and also upon the Duplicate of such Instrument embodied in the Record or filed in his Office; and in either such Case it shall not be competent for any less Number of Joint Owners than the Number then recorded to transfer or otherwise deal with the said Land, except upon the Order to that Effect of a Judge of the Landed Estates Court.

Notice to be published before issuing Order.

50. The Judge shall, if it seem requisite, cause Notice of Intention to issue such Order to be advertised once in the Government Gazette, and Three Times in at least One Newspaper published in the City of Dublin, and shall appoint a Period of Time within which it shall be lawful for any Person interested to show Cause why such Order should not be issued; and thereafter it shall be lawful for the said Judge to order any Person or Persons to be recorded as Owner or Owners of such Land jointly with or in the Place of the existing

Owner or Owners, or to make such other Order in the Premises as he may deem fit for the Protection of the Persons beneficially interested.

51. The Transferor of any Land to be held by the Transferee as Trustee, or any Beneficiary or other Persons claiming Estate or Interest in Land, by Devolution in Law or otherwise, may, by Caveat, in such Form as by any General Order of the Estates Court may be prescribed, forbid or conditionally restrict the recording of any Dealing affecting such Land, Estate, or Interest as may be specified in such Caveat; and every such Caveat shall state the Name and Address of the Person by whom the same is lodged, and shall contain a sufficient Description to identify the Land and the Estate or Interest therein claimed by the Caveator, and shall be signed by the Caveator, or by his Solicitor, his own Agent or Attorney; and every Notice relating to such Caveat or to any Proceedings in respect thereof, if served at the Address mentioned in such Caveat, or at the Office of the Solicitor, known Agent or Attorney, who may have signed the same, shall be deemed to be duly served; and every such Caveat may be withdrawn by the Caveator.

Caveat may be lodged.

Caveat may be withdrawn.

52. The Recorder of Titles shall notify the Date and Hour of the Receipt of such Caveat upon the Folium of the Record appropriated to the Land affected thereby, and shall notify the same to the Person against whose Title to deal with the Land or to be recorded as Owner such Caveat has been lodged; and such Person may, if he think fit, summon the Caveator to attend before the Landed Estates Court, or a Judge thereof, to show Cause why such Caveat should not be removed; and it shall be lawful for such Court or Judge, upon Proof that such Person has been summoned, to make such Order in the Premises, either ex parte or otherwise, as to such Court or Judge may seem fit.

Notice of Caveat to be given.

Caveator may be summoned to show Cause.

52. So long as any Caveat shall remain in force prohibiting the Transfer or other Dealing with Land, the Recorder of Titles shall not record any Dealing with the Land, Estate, or Interest in respect to which such Caveat may be lodged.

No Record affecting Lands in respect to which Caveat continues in force.

54. Any Person lodging any Caveat without reasonable Cause shall be liable to make to any Person who may have sustained Damage thereby such Compensation as may be just, and such Compensation shall be recoverable in an Action at Law by the Person who has sustained Damage from the Person who lodged the Caveat.

Compensation for lodging Caveat without reasonable Cause.

55. Any Incumbrance or Lease notified, or any Conveyance or Declaration of Title from the Landed Estates Court placed under

Leases and Incumbrances affecting

Land when first placed on the Record surrendered or discharged by Procedure under this Act.

the Provisions of this Act, may, with the Consent and under the Direction of a Judge of the said Court, be transferred or otherwise dealt with, or may be discharged or surrendered by the Forms and Procedure prescribed in this Act.

Crown Lands, &c.

56. With respect to any Lands vested in Her Majesty, Her Heirs or Successors, or vested in any Public Officer or Body in trust for the Public Service, the Public Officer or Body having the Management thereof, if any, or if none, then such Person as Her Majesty, Her Heirs or Successors, shall by Writing under Her Sign Manual appoint, may and shall (whether the Land be vested in him or them or not) represent the Owner of such Lands for all the Purposes of this Act, and shall be entitled to such Notices, and may make and enter any such Application or Caveat, and do all such other Acts, as any Owner of Lands for an Estate in Fee Simple is entitled to receive, make, enter, or do under the Provisions of this Act; and it shall be sufficient that any Oaths, Affidavits, or Declarations required by this Act be taken or made by any such Public Officer, Body, or Person, and in either Case without any Solicitor joining in any Affidavit or Declaration, nor shall they nor any of them be liable in Damages except for any Acts done wrongfully and without reasonable Cause.

Married Women entitled for separate Use.

Persons under Disability.

57. A married Woman entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a Feme Sole; and where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Person respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being Infant, Idiot, or Lunatic, or where any Person the Committee of whose Estates if he were Idiot or Lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for the Landed Estates Court to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Court sees fit it may appoint a Person to act as the Next Friend of a married Woman, for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such Next Friend.

PART 4.—*Manner in which Transmissions are to be authenticated and recorded.*

Transmission by Bankruptcy or Insolvency.

58. Upon the Bankruptcy or Insolvency of the recorded Owner of any Land under the Provisions of this Act, the Assignees of such Bankrupt or Insolvent shall be entitled to be recorded as Owners in respect of the same; and the Recorder of Titles, upon the Receipt of an Office Copy of the Appointment of such Assignees, accompanied by an Application in Writing to that Effect under their Hand, shall enter upon the Folium of the Record appropriated to such Land a Memorandum notifying the Appointment of such Assignees; and upon such Entry being made such Assignees shall hold the Land subject to the Equities upon and subject to which the Bankrupt or Insolvent held the same; but for the Purpose of any Dealings with such Land under the Provisions of this Act, such Assignees shall be deemed to be the recorded Owners thereof.

Upon Entry of Appointment, Assignees to be deemed Owners, but not subject to Equities.

Mortgage of the Leasehold Interest of an Insolvent may be entered as Transferee of Lease.

59. Upon the Bankruptcy or Insolvency of the recorded Owner of any Lease subject to Mortgage under the Provisions of this Act, the Recorder of Titles, upon the Application in Writing of the Mortgagee, accompanied by a Statement in Writing signed by the Assignees of such Bankrupt or Insolvent, certifying their Refusal to accept such Lease, shall enter in the Record the Particulars of such Refusal, and such Entry shall operate as a Foreclosure, and the Interest of the Insolvent in such Lease shall thereupon vest in such Mortgagee; and if such Mortgagee shall neglect or decline to make such Application as aforesaid, the Recorder of Titles, upon Application by the Lessor, and Proof of such Neglect or Refusal, and of the Matters aforesaid, shall enter in the Record Notice of such Neglect or Refusal of such Assignee and of such Mortgagee to accept such Lease, and such Entry shall operate as a Surrender of such Lease.

Marriage of Female Owner to be certified. Particulars to be entered in Record and on the Instrument evidencing Title.

60. The Recorder of Titles, upon the Production of the Register, or other sufficient Proof of the Marriage of a Female Owner of any Land, Estate, or Interest under the Provisions of this Act, accompanied by an Application in Writing signed by such Female Owner to that Effect, shall enter on the proper Folium of the Record, and also upon the Instrument evidencing the Title of such Female Owner, when produced to him for that Purpose, the Name and Description of her Husband, the Date of the Marriage, and where solemnized, the Day and Hour of the Production to him of the

Register or other sufficient Evidence of such Marriage; and the Husband of such Female Owner shall, unless such Land be held for her separate Use, be entitled to be recorded as Co-proprietor in right of his Wife.

Transmission of Charge or Lease on Death of Owner.

Will or Probate or Letters of Administration to be produced.

61. Whenever any Incumbrance or Lease affecting Land under the Provisions of this Act shall be transmitted by Will or Intestacy, Probate, or an Office Copy of the Will of the deceased Owner, or Letters of Administration, accompanied by an Application in Writing from the Executor or Administrator claiming to be recorded Owner in respect of such Estate or Interest, shall be produced to the Recorder of Titles, who shall thereupon enter in the Record, and on the Lease or other Instrument evidencing Title to the Estate or Interest transmitted, the Date of the Will and of the Probate, or of the Letters of Administration, the Date and Hour of the Production of the same to him, the Date of the Death of such Owner, when the same can be ascertained, with such other Particulars as he may deem necessary; and upon such Entry being made the Executors or Administrators shall be deemed the recorded Owners of such Charge or Lease.

Court of Probate may issue Certificate of Intestacy.

62. It shall be lawful for the Court of Probate, upon being satisfied as to the Fact, to issue to the Person claiming to be Heir-at-Law, to a recorded Owner, a Certificate to the Effect that the Deceased died Intestate as to his Real Estate or any Part thereof; and it shall be lawful for the Lord Chancellor, with such Advice and Assistance as is provided by the Probates and Letters of Administration Act (Ireland), 1857, to make Rules and Orders for carrying the Provisions of this Section into effect, and such Rules and Orders may from Time to Time be repealed, amended, or altered, and other Orders made in lieu thereof, in manner prescribed by the said recited Act.

Heir-at-Law or Devisee may apply to Court to be recorded Owner.

63. The Devisee, Heir-at-Law, or other Person claiming any Estate of Freehold in the Land of a deceased Owner, or the Personal Representatives, or Trustees or other Persons entitled to sell such Estate, may apply to the Landed Estates Court to be recorded Owner of such Estate, and shall deposit the Certificate of the Death, the Will or an Office Copy or Probate of the Will of the deceased Owner, or any Settlement under which such Applicant claims, or the Certificate of Intestacy, with such Evidence of Heirship as he may be enabled to produce, and in his Application shall state the Nature of every Estate or Interest held by other Persons at Law or in Equity in such Land, within the Applicant's Knowledge, and that he verily believes himself to be entitled to the Land for the Estate

Estate in respect to which he applies to be recorded Owner, or that he is entitled to sell the same, and shall verify such Statements by Oath or statutory Declaration.

64. The Landed Estates Court, after such Inquiry as they may deem necessary, may reject such Application altogether, or cause Notice thereof to be advertised once in the Gazette, and Three Times in at least One Newspaper published in Dublin, and to be served on such Persons or posted at such Places as they may think fit, appointing a Time, not less than Three Months from the Date of Advertisement in the Gazette, after which the Particulars of such Transmission may be recorded, and may direct any Caveats to be entered in the Record for the Protection of such Minors or other Persons (if any) as may be interested in such Land.

Procedure by the Court upon Application of Heir-at-Law or Devisee.

65. The Recorder of Titles, after the Term appointed by the Landed Estates Court in any such Case as aforesaid, and unless in the Interval he shall have received any Caveat forbidding him so to do, shall enter the Particulars of the Transmission in the Record, and upon Surrender of the Instrument evidencing the Title of the deceased Owner may, at his Discretion, or in compliance with the Application of the Devisee or Heir-at-Law, issue Declaration of Title for such Land to him or to such Persons as he by Writing under his Hand, duly attested in manner herein-before provided, may appoint.

Transmission to be recorded and Declaration of Title to Issue in accordance with Directions of Court.

66. The Executor, Administrator, Devisee, Heir-at-Law, or other Person as aforesaid, recorded as Owner of any Land, Estate, or Interest, shall hold the same subject to the Equities upon and subject to which such deceased Owners held the same, and in trust for the Persons and Purposes to which it may be applicable by Law; but for the Purposes of any Dealing with such Land, Estate, or Interest under the Provisions of this Act he shall be deemed to be the recorded Owner thereof.

Persons recorded upon Transmission by Death to hold subject to Equities, but for Purposes of Dealing to be deemed recorded Owners

67. Whenever any Person has been recorded as Owner of any Life Estate in any Land, pursuant to any Will or Transfer by way of Settlement, or upon the Intestacy of a previous Owner, any Person entitled in reversion or remainder to such Land, or entitled to any Estate or Interest therein, may apply to the Landed Estates Court for an Order to be recorded as so entitled; and the said Court shall cause the Title of such Applicant to be investigated, and thereafter may either reject such Application altogether, or direct that the Applicant be recorded forthwith, or be so recorded unless

Remainderman or Reversioner may be recorded as such.

Caveat be lodged after such Notice or Advertisement, and within such Period as they may appoint; and the Recorder of Titles shall obey such Direction or any Order of the Court in the Premises.

Survivor of Joint Proprietors.

68. When any Person is recorded as Joint Owner with his Wife of an Estate in Fee Simple in right of his Wife, if such Person die in the Lifetime of his Wife and before any Transfer of such Estate, or if such Wife die in the Lifetime of her Husband, and the said Husband be entitled as Tenant by the Courtesy or upon the Death of any Person recorded, together with any other Person as Joint Owner of the same Estate or Interest in any Land, or when the Life Estate in respect to which any Declaration of Title has been issued has determined, and the Estate recorded as next in remainder or reversion has become vested in possession, or the Person to whom such Declaration of Title has been issued has become entitled to the said Land for an Estate in Fee Simple in possession, the Recorder of Titles may, upon the Application of the Person entitled, and Proof to his Satisfaction of any such Occurrence as aforesaid, record such Person as Owner of such Estate or Interest in manner herein-before prescribed for recording a like Estate or Interest upon a Transfer or Transmission.

PART V.—*General Provisions, Procedure, Offences, Jurisdiction.*

Powers of Attorney.

69. The recorded Owner of any Land under the Provisions of this Act may authorize and appoint any Person to act for him or on his Behalf in respect to the Transfer or other Dealing with such Land by executing a Power of Attorney in any Form heretofore in use for the like Purpose, or in such Form as the Landed Estates Court by any General Order may appoint; and such Power of Attorney, or a Duplicate or certified Copy thereof, shall be filed in the Lands Titles Office, and the Recorder of Titles shall enter in the Record a Memorandum of the Particulars therein contained, and the Date and Hour when it was so filed.

Revocation of Powers.

70. The recorded Owner of any Land in respect to which a Power of Attorney has been executed may, for the Purpose of revoking such Power, execute an Instrument in any Form heretofore in use for the like Purpose, or in such Form as the Landed Estates Court by General Order may appoint; and the Recorder of Titles shall file the same in the Lands Titles Office, and enter the Particulars in the Record, and after such Entry shall not record any Dealing with such Land under the Authority of such Power of Attorney.

Map of subdivided Land.

71. Any recorded Owner subdividing Land for the Purpose of selling the same in Allotments as a Township may deposit with the Recorder of Titles a Map of such Township, provided that such Map shall exhibit, distinctly delineated, all Roads, Streets, Passages, Thoroughfares, Squares, or Reserves appropriated or set apart for public Use, and also all Allotments into which the said Land may be divided, marked with distinct Numbers or Symbols; and every such Map shall be certified as accurate by statutory Declaration of such Surveyor, and shall be on such Scale as the Landed Estates Court may appoint.

Recorder may dispense with the Duplicates of Certificates of Title and other Instruments in certain Cases.

72. The Recorder of Titles, with the Consent of a Judge of the Landed Estates Court, may dispense with the Production of any Declaration of Title, Lease, or other Instrument, for the Purpose of entering thereon the Memorial by this Act required to be entered, upon the Transfer or other Dealing with Land under the Provisions of this Act, and shall in such Case notify in the Memorandum in the Record that no Entry of such Memorandum has been made on the Duplicate Declaration of Title or other Instrument; and such Transfer or other Dealing shall thereupon be as valid and effectual as if such Memorandum had been so entered.

Several Declarations of Title, or recording Certificates, may be exchanged for a single Declaration or Certificate, including all the Parcels of Land, and vice versâ.

73. Upon the Surrender of all existing Conveyances or Declarations of Title or recording Certificates of any Parcel or Parcels of Land, under the Provisions of this Act, the Recorder of Titles may issue a single Declaration of Title or recording Certificates, including the whole of such Land, or several Declarations of Title or recording Certificates, each including Portion of such Land as may be expressed in the Application to that Effect of the recorded Owner, and in accordance with any Regulations of the Landed Estates Court at the Time in force; and the Recorder of Titles shall thereupon cancel the surrendered Instrument or Instruments, and shall open in the Record One Folium or several, as may be required, corresponding with such fresh Declaration or Declarations of Title.

Provisions in case of Loss of Instruments of Title.

74. In the event of the Loss or Destruction of any Instrument evidencing recorded Title to Land under the Provisions of this Act, the Owner of such Land, together with other Persons, if any, having Knowledge of the Circumstances, may make a Declaration before any of the Persons herein-before appointed as Persons before whom the Execution of Instruments may be proved, stating the Facts of the Case, the Names and Descriptions of the recorded Owners, and the Particulars of all Charges or other Matters affecting the said Land, to the best of Declarant's Knowledge and Belief; and the Landed Estates Court, if satisfied as to the Truth of such Declaration and the bona fides of the Transaction, may order the Recorder of Titles to issue to such Applicant a provisional Declaration of Title of such Land, which shall contain an exact Copy of the original Instrument embodied in the Record, and of every Memorial and Entry thereon; and the Recorder of Titles shall enter in the Record Notice of the issuing of such provisional Declaration and the Date thereof, and such provisional Declaration shall be available for all Purposes and Uses for which the Instrument so lost or mislaid would have been available, and as valid to all Intents: Provided always, that the Recorder of Titles, before issuing such provisional Declaration, shall give at least Fourteen Days Notice of his Intention so to do in the Gazette, and in at least One daily Newspaper in Dublin.

Certified Copies to be Evidence.

75. The Recorder of Titles, upon Payment of the Fee specified in the Third Schedule hereto, shall furnish to the recorded Owner, or to any Person authorized by him or by Order of any competent Court, a certified Copy of any Instrument evidencing a recorded Estate or Interest in Land under the Provisions of this Act; and every such certified Copy, signed by him and sealed with his Seal, shall be received in Evidence in any Court of Law or Equity, or before any Person having by Law, or by Consent of Parties, Authority to receive Evidence as primâ facie Proof of all the Matters contained or recited in or indorsed on the original Instrument.

Search allowed.

76. The recorded Owner, or any Person authorized by him or by any competent Court, may, upon Payment of the Fee specified in the Third Schedule hereto, have Access to the Record for the Purpose of Inspection, during such Hours as the Landed Estates Court may by Regulation appoint, or may obtain a Certificate of Search, under the Hand and Seal of the Recorder of Titles.

Holder of Instrument of Title issued in Error or wrongfully retained to show Cause to Court against Cancellation or Correction.

77. In case it shall appear to the Satisfaction of the Recorder of Titles that any Declaration of Title or other Instrument has been issued in Error, or contains any Misdescription of Land or of Boundaries, or that any Entry or Endorsement has been made in Error on any Declaration of Title or other Instrument, or that any such Declaration of Title, Instrument, Entry, or Endorsement has been fraudulently or wrongfully obtained, or that any such Declaration or Instrument is fraudulently or wrongfully retained, he may summon the Person to whom such Declaration or Instrument has been so issued, or by whom it has been so obtained or is retained, to deliver up the same for the Purpose of being cancelled or corrected, as the Case may require; and in case such Person shall refuse or neglect to comply with such Summons, or cannot be found, the

Recorder of Titles may apply to a Judge of the Landed Estates Court to issue a Summons for such Person to appear before such Court or Judge, and show Cause why such Declaration of Title or other Instrument should not be delivered up to be cancelled or corrected as aforesaid; and if such Person, when served with such Summons, shall neglect or refuse to attend before such Judge or Court at the Time therein appointed, it shall be lawful for such Judge to issue a Warrant authorizing and directing the Person so summoned to be apprehended and brought before a Judge of the said Court for Examination.

Court may order the Delivery of the Instrument to the Recorder.

78. Upon the Appearance before the Court or Judge of any Person summoned or brought up by virtue of a Warrant as aforesaid, it shall be lawful for the Court or Judge to examine such Person upon Oath, and in case the same shall seem proper to order such Person to deliver up such Declaration of Title or other Instrument as aforesaid, and upon Refusal or Neglect by such Person to deliver up the same pursuant to such Order, to commit such Person to the Common Gaol; and in such Case, or in case such Person shall have absconded so that Summons cannot be served upon him, the Court or Judge may order the Recorder of Titles to issue to the Proprietor of the said Land such Declaration of Title or other Instrument as is herein-before provided to be issued in the Case of any Instrument evidencing a recorded Ownership being lost, mislaid, or destroyed.

In case of Neglect or Refusal, fresh Declaration or other Instrument may be issued.

Sale by Sheriff or under Order of Court.

79. No Judgment, Recognizance, Crown Bond, or Lis pendens, entered up subsequent to the Date on which this Act shall come into operation, shall bind, charge, or affect any Land under the Provisions of this Act, but whenever any such Land shall be seized or sold by the Sheriff under any Writ, or shall be sold under any Direction, Decree, or Order of any competent Court, the Recorder of Titles, on being served with an Office Copy of the Writ, Direction, Decree, or Order, as the Case may be, shall enter in the Record, and also upon the Instrument evidencing recorded Title to the said Land, if produced for that Purpose, the Date of the said Writ, Direction, Decree, or Order, and the Date and Hour of the Production thereof; and after such Entry as aforesaid the Sheriff or Person authorized by the Court shall do such Acts and execute such Instruments as under the Provisions of this Act may be necessary to transfer or otherwise to deal with the said Land: Provided always, that unless and until such Entry has been made as aforesaid, no such Writ, Direction, Decree, or Order shall bind or affect any Land under the Provisions of this Act, or any Estate or Interest therein, nor shall any Sale or Transfer by the Sheriff be valid as against a Purchaser or Mortgagee, notwithstanding such Writ, Direction, Decree, or Order may have been actually in the Hands of the Sheriff at the Time of any Purchase or Mortgage, or notwithstanding such Purchaser or Mortgagee may have had actual or constructive Notice of the Issue of such Writ, Direction, Decree, or Order; and upon Production to the Recorder of Titles of sufficient Evidence of the Satisfaction of any Writ, Direction, or Order so entered as aforesaid, he shall enter in the Record a Memorandum to that Effect, and the same shall be deemed to be satisfied accordingly; and every such Writ, Declaration, Decree, or Order shall be deemed to have lapsed unless the same shall be executed and put in force within Three Calendar Months from the Day on which it was entered in the Record as aforesaid.

Recorder not to be liable for Acts done bonâ fide.

80. The Recorder of Titles shall not individually, nor shall any Person acting under his Authority, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter bonâ fide done or omitted to be done under this Act.

Certain fraudulent Acts to be deemed Misdemeanors.

81. If any Person fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent Procurement of any Declaration of Title or other Instrument, or of any Entry in the Record, or of any Erasure or Alteration in any Entry therein, or in any Instrument or Form issued by the Recorder of Titles, or fraudulently uses, assists in fraudulently using, or is privy to the fraudulent using of any such Form, or knowingly misleads or deceives any Person herein-before authorized to demand Explanation or Information in respect to any Land, or the Title to any Land, which is the Subject of any Dealing or Transmission proposed to be recorded, such Person shall be guilty of a Misdemeanor, and shall incur a Penalty not exceeding Five hundred Pounds, or may, at the Discretion of the Court before whom the Case may be tried, be imprisoned for any Period not exceeding Three Years, and any Declaration of Title, Entry, Erasure, or Alteration so procured or made by Fraud shall be void as between all Parties or Privies to such Fraud.

Forgery to be a Felony.

82. If any Person is guilty of the following Offences, or any of them, (that is to say,)

(1.) Forges, or procures to be forged, or assists in forging, the Seal of the Recorder of Titles, or the Name, Signature, or Handwriting of any Officer of the Lands Titles Office, in Cases where such Officer is by this Act expressly or impliedly authorized to affix his Signature;

(2.) Stamps, or procures to be stamped, or assists in stamping, any Document with any forged Seal purporting to be of the Lands Titles Office;

(3.) Forges, or procures to be forged, or assists in forging, the Name, Signature, or Handwriting of any Person whomsoever to any Instrument which is by this Act or in pursuance of any Power contained in this Act expressly or impliedly authorized to be signed by such Person ;

(4.) Uses, with an Intention to defraud any Person whomsoever, any Document upon which any Impression, or Part of the Impression, of any Seal of the Recorder of Title or Lands Titles Offices has been forged, knowing the same to have been forged, or any Document the Signature to which has been forged, knowing the same to have been forged ;

Such Person shall be guilty of Felony ; and if any Person is guilty of making a false Oath or Declaration concerning any Matter or Procedure made or done in pursuance of this Act, such Person shall be deemed guilty of Perjury.

Punishment of Felony.

83. Any Person convicted of Felony or Perjury under this Act shall be liable to Imprisonment for any Term not exceeding Four Years, and to be kept to Hard Labour or Solitary Confinement for any Part of the Period aforesaid.

Conviction not to affect Civil Remedy.

84. No Proceeding or Conviction of any Act hereby declared to be a Misdemeanor or a Felony shall affect any Remedy which any Person aggrieved or injured by such Act may be entitled to at Law or in Equity against the Person who has committed such Act, or against his Estate.

Jurisdiction.

85. Unless in any Case herein otherwise expressly provided, all Offences against the Provisions of this Act may be prosecuted, and all Penalties or Sums of Money imposed or declared to be due or owing by or under the Provisions of the same may be sued for and recovered, in the Name of the Attorney General or of the Solicitor General.

Commencement of Act.

86. This Act shall commence and take effect from and after the First Day of January One thousand eight hundred and sixty-five.

FIRST SCHEDULE to which the foregoing Bill refers.

6 Anne (I.) c. 2.

1. An Act of Parliament made in Ireland in the Sixth Year of the Reign of Queen Anne, intituled "An Act for the public registering of all Deeds, "Conveyances, and Wills that shall be made of any Honours, Manors, Lands, "Tenements, or Hereditaments."

8 Anne (I.) c. 10.

2. An Act of Parliament made in Ireland in the Eighth Year of the Reign of Queen Anne, intituled "An Act for amending an Act, intituled 'An Act "'for the public registering of all Deeds, Conveyances, and Wills that shall "'be made of any Honours, Manors, Lands, Tenements, or Hereditaments.'"

8 G. 1. (I.) c. 15.

3. An Act of Parliament made in Ireland in the Eighth Year of the Reign of King George the First, intituled "An Act for explaining and amending "Two several Acts in relation to the public registering of all Deeds, Conveyances, and Wills."

25 G. 3. (I.) c. 47.

4. An Act of Parliament made in Ireland in the Twenty-fifth Year of the Reign of King George the Third, intituled "An Act for amending the several "Laws relating to the registering of Wills and Deeds in the Registry Office "of this Kingdom, and for the better regulating and conducting the Business "of the said Office."

3 G. 4. c. 116.

5. An Act of Parliament made in the Third Year of the Reign of George the Fourth, intituled "An Act for the more convenient and effectual registering "in Ireland Deeds executed in Great Britain."

9 G. 4. c. 57.

6. An Act of Parliament made in the Ninth Year of the Reign of George the Fourth, intituled "An Act to provide for the Regulation of the Public "Office for registering Memorials of Deeds, Conveyances, and Wills in Ireland."

2 & 3 W. 4. c. 87.

7. An Act of Parliament made in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to regulate the Office "for registering Deeds, Conveyances, and Wills in Ireland."

11 & 12 Vict. c. 120.

8. The First Nine Sections of an Act of Parliament made in the Eleventh and Twelfth Years of the Reign of Queen Victoria, intituled "An Act to "facilitate the Transfer of Landed Property in Ireland," as far as they relate to the Office for the Registration of Deeds, Conveyances, and Wills in Ireland.

SECOND SCHEDULE to which the foregoing Bill refers.

Form A.—*Declaration of Title.*

Record, Vol. Fol.

A.B. is now the recorded Owner [*here set out the Nature and Limitations of the Estate*], subject to such Charges, lesser Estates, or Interests as may be recorded hereon, in that Parcel of Land situated in the [*County, City, or Town*] of and Parish of [*comprising or comprised in the Townland of* , *or being No. in Street*], as delineated in the Ordnance Map of Ireland, and therein named ; which Parcel of Land is more particularly delineated and described in the [*Diagram hereto, or Map deposited in the Lands Titles Office*], and contains [*here state Area*].

In witness whereof I have hereunto subscribed my Name and affixed my Seal the day of 18.

C. D., Recorder of Titles.

Signed in the Presence of *E. F.*,
the day of 18

Seal.

THIRD SCHEDULE to which the foregoing Bill refers.

Fees payable for the several Matters in this Act appointed or permitted to be done.

	£	*s.*	*d.*
Recording Conveyance or Declaration of Title by the Landed Estates Court, placing Land under Provisions of this Act - -	1	0	
For every Declaration of Title by the Recorder made out and recorded - - - - - -	1	0	0
Extra when more Parcels than One are included in the same Declaration; each Parcel of Land - - - -	0	5	0
Recording Lease, Charge, Transfer, Surrender of Lease, Release of Charge, when separate Instrument is used, and for each Power of Attorney and Revocation Order - - - -	0	10	0
When the Transfer, Surrender, or Release, or Revocation is by Endorsement on original Instrument - - - -	0	5	0

	£	s.	d.
Recording Owner of any Estate or Interest in Land derived by Transmission; for each Property comprised in a distinct Folium of the Record - - - - - -	0	10	0
Noting Caveat and serving Notice by Registered Letter - -	0	5	0
Cancelling or withdrawing Caveat - - - -	0	5	0
Recording Foreclosure, or Recovery, or Re-entry, or Order vesting Interest in a Lessee; for each Property comprised in a distinct Folium - - - - - - -	0	10	0
For each Certificate of Search against Caveats - - -	0	1	0
For producing Record for Inspection; each Folium opened or searched, when Vol. and Fol. are given by the Party applying -	0	1	0
For a general Search under a Name or Names; each Reference from Index to Record - - - - - -	0	1	0
For every Map or Plan, Will, Declaration of Trusts, or Instrument deposited for safe Custody and Reference - - -	0	5	0
For entering Notice of any Writ or Order of Court - - -	0	5	0
For exhibiting or returning any Will, Declaration of Trusts, or other Instrument deposited - - - - -	0	2	6
For taking Affidavit, Statutory Declaration, or Acknowledgment by Married Women - - - - - -	0	2	6
Certified Copy of any Instrument or Memorial not exceeding 5 Folios - - - - - -	0	2	6
For each additional Folio - - - - - -	0	0	6
When any Dealing affects Land included in more than One Folium of the Record, for each Memorial after the first - -	0	2	0

Titles (Ireland)

A

BILL

To provide more certain and economic
Means for transferring and otherwise
dealing with certain Lands in Ireland.

(Prepared and brought in by
Mr. Monsell, Mr. Herbert, and Sir Colman
O'Loghlen.)

Ordered, by The House of Commons, *to be Printed,*
20 *July* 1864.

[Bill 230.]

Under 5 oz.

A

B I L L

FOR

The Recovery of Titles in Ireland.

WHEREAS it is expedient that Titles conferred by the Landed Estates Court, Ireland, should be kept free from Complication, so that subsequent Dealings with Land may be more simple and economical: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Record of Title Act (Ireland), 1864;" it shall apply to Ireland only, and shall come into operation on the First Day of January One thousand eight hundred and sixty-five. Short Title and Extent of Act.

2. In the Construction of this Act (except where the Context or other Provisions of this Act require a different Construction)— Construction of Terms.

The Word "Judge" shall mean One of the Judges of the Landed Estates Court, Ireland:

The Word "Court" shall mean the Landed Estates Court, Ireland:

The Word "Officer" shall mean the Officer for the Time being of the Landed Estates Court, Ireland, whose Duty it shall be to carry out this Act under the Direction of the said Court:

The Word "Record" shall mean the Book or Books to be provided and kept for the recording of Titles pursuant to this Act in the Landed Estates Court:

The Word "Land" shall extend to Manors, Messuages, Advowsons, Rectories, Tithes, Lands, Tenements, and Hereditaments, and to Rents or Annuities charged upon Hereditaments, whether subject to any Fee-farm or other perpetual Rent, with or without Condition of Re-entry for securing the same or otherwise, and whether corporeal or incorporeal, and to any undivided Share thereof:

The Word "Lease" shall include an Agreement for a Lease and the Estate or Interest created or agreed to be created by a Lease or Agreement in the whole or any Part of the Land therein comprised, and shall include a Term of Years in gross:

The Word "Owner," as applied to Land, shall include any Person entitled in possession in Fee Simple or in Tail or quasi in Tail, and any Person who has a Power of appointing or disposing of the Fee, and any Person entitled as a Trustee for Sale or having a Power of Sale, and as applied to a Lease shall include any Person entitled in possession to the Interest thereunder, or having Power to appoint or dispose thereof, and to any Person entitled thereto as a Trustee for Sale or having a Power of Sale:

The Words "Person" or "Owner" shall extend to a Body Politic or Corporate:

The Word "Charge" or "Incumbrance" shall include any Legacy, Portion Lien, or other Charge whereby a Sum of Money is secured to be paid, and also any annual or periodical Charge, and also every other Charge upon Land which is deemed an Incumbrance in a Court of Equity:

The Expression "Recorded Estate" shall mean any Land or Lease the Title to which shall be recorded under the Provisions of this Act.

Record of Title to be established of Land which has been the Subject of Conveyance or Declaration by the Landed Estates Court.

Record of Title to be established under Control of the Landed Estates Court as an Office or Department of the Court.

3. There shall be established a Record of Title, to be kept under the Control and Direction of the Landed Estates Court; and the Office in which such Record is kept shall be called "the Record of Title Office" of the said Court.

4. Any

Land, &c. comprised in any Conveyance from the Court may be recorded under this Act, unless the same shall be conveyed on Trusts without Power of selling.

4. Any Person upon obtaining a Conveyance from the Court of any Land or Lease, shall be entitled to have such Conveyance entered in the Record; and on the same being so entered, the Land or Lease comprised in such Conveyance shall be and be deemed to be for the Purposes of this Act a "Recorded Estate;" provided always that if such Conveyance appear to be made to the Uses or on the Trusts of any Settlement or Will not conferring or implying a Power of Sale, the Officer shall not record the same.

Extension of the Powers of the Court as to granting Declarations of Title.

5. "And whereas it is expedient to enlarge the Powers of the said Court with regard to the granting of Judicial Declarations of Title," be it therefore enacted, That notwithstanding anything contained in an Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty, intituled "An Act to facilitate the Sale and Transfer of Land in Ireland," the Court may, on the Application of the Owner of any Land or Lease in Ireland, proceed to investigate his Title and grant such Declaration in the Manner directed by the said Act.

Every Declaration of Title may be recorded. Declaration when recorded not to be registered in the Deeds Registry. The Record established by this Act to be sufficient. 21 & 22 Vict. c. 72. s. 51.

6. Any Person upon obtaining a Declaration of Title from the Court shall be entitled to have such Declaration entered upon the Record, and thereupon the Land or Lease comprised therein shall be and be deemed to be a recorded Estate; and no Declaration of Title so entered upon the Record shall be registered in the Office for registering Deeds in Ireland; and it shall not be necessary to to keep in the Court any other Record or Copy of any such Declaration of Title than that herein-after mentioned, anything in the said recited Act or in any Rule or Order made pursuant thereto notwithstanding.

Any Person obtaining a Conveyance or Declaration may decline to have his Title recorded under this Act.

7. Any Person to whom any Conveyance or Declaration of Title shall be given may, by Requisition under his Hand, in the Form in the First Schedule hereto annexed, within such Period as the Court may by General Rule direct, require that the Title so conferred shall not be recorded under this Act; and on such Requisition the Court shall deliver out to such Person his Conveyance or Declaration, and the same shall not be recorded; the Provisions of the said Act of the Twenty-first and Twenty-second Year of the Reign of Her Majesty as to the Registration of Declarations of Title in the Office for registering Deeds shall in that Case take effect as though this Act had not been passed: Provided always, that any Declaration of Title made after the passing of this Act, and requiring to be registered as aforesaid, may be so registered at any Time within One Calender Month after the making thereof.

Conveyances and Declarations when recorded, to be entered, each to form with subsequent Entries thereunder, a Folio. 25 & 26 Vict. c. 53. s. 28.

8. All Conveyances and Declarations which are retained for the Purpose of being recorded under this Act shall be entered in the Book or Books forming the Record, and bound up therein, leaving Space for further Entries; and each of such Conveyances and Declarations together with the further Entries (if any) thereunder shall form a Division (herein-after called a Folio) of the Record, distinguished by a separate Number, or in such other Manner as the Officer may determine.

Duplicates of Conveyances or Declarations may be given.

9. A Duplicate of any such Conveyance or Declaration signed by a Judge, and under the Seal of the Court, may be issued if the Person entitled thereto so desire; and every such Duplicate shall be marked as such and shall be indorsed with a Memorandum of the recording as aforesaid; and every such Duplicate so marked and indorsed shall as of the Date thereof be and be deemed to be for all Purposes as effectual as a "Land Certificate" granted as herein-after mentioned, and shall for the Purposes of this Act be regarded as a Land Certificate.

Books of Record not to be inspected without Leave. 25 & 26 Vict. c. 53. ss. 15 and 137. Index to be made.

10. The Record shall be kept in the Office, and shall not be removed therefrom for any Purpose, unless the Court shall direct. The Record may be inspected by the recorded Owners respectively or by their Solicitors. No other Person shall be permitted to inspect, or to take Copies of or Extracts from, the Record unless authorized by Fiat of a Judge. An Index to recorded Estates shall be made and regularly entered up in such Manner as the Court may direct; and such Index may be inspected by any Person without Payment of any Fee.

Questions arising on the Record to be brought before a Judge, who may decide or otherwise deal with the same as may seem right. 25 & 26 Vict. c. 53. ss. 17 and 92.

11. If in making up or continuing such Record of Title as aforesaid any Question shall arise as to the true Construction or legal Validity or Effect of any Deed, Instrument, or Will, or as to the Persons entitled, or the Extent or Nature of the Estate, Right, or Interest, Power or Authority of any Person or Class of Persons, or the Priority of any Charge or Incumbrance, Claim, or Interest, or as to the Mode in which any Entry ought to be made in the Record of Title, it shall be competent for the Officer or for any of the Parties interested to refer the same summarily to a Judge, who may either decide the same, or direct any Proceeding at Law or in Equity for that Purpose, or at his Discretion, and without deciding such Question, may direct such Entry to be made on the Record of Title as under the Circumstances shall appear to be Right.

12. Subject

Recorded Owners to be entitled to the Estates mentioned on the Record, free from all other Claims. 25 & 26 Vict. c. 53. s. 20.

12. Subject to any Qualification mentioned in such Record of Title, and to any recorded Charges or Incumbrances, and to any Tenancy or Lease not required to be noted on the Record, the recorded Owner for the Time being shall be and be deemed to be absolutely and indefeasibly possessed of and entitled to such recorded Estate against all Persons, and free from all Rights, Interests, Claims, and Demands whatsoever, including any Estate, Claim, or Interest of Her Majesty, Her Heirs and Successors: Provided always, that nothing herein contained shall prejudice or affect any Rentcharge in lieu of Tithe, or Crown Rent or Quitrent to the Crown, or any Charge made or to be made under any Public Act or Acts for promoting Drainage or Land Improvement in Ireland.

Informality not to prejudice Entry in Record of Title. 25 & 26 Vict. c. 53. s. 21.

13. No Entry in such Record of Title as aforesaid shall be set aside or called in question as against any Person who may afterwards become interested therein under any Sale, Mortgage, or Contract for valuable Consideration by reason of any Irregularity or Informality therein, or in the Proceedings previous to the making thereof.

Every Charge, &c. to be entered in Record of Title. 25 & 26 Vict. c. 53. s. 32.

14. From and after the recording of any Land or Lease, every Transfer, Mortgage, Charge, Lease or Sub-lease granted or in any Manner created in or affecting such Land or Lease, or any Part thereof (except as herein excepted), shall be entered or noted in the Record of Title to be so kept as aforesaid. Recorded Charges on the same Land or Lease shall, as between themselves, rank according to the Date of their being recorded, and not according to the Date of their Creation.

Estates of Proprietors subject to existing Law. 25 & 26 Vict. c. 53. s. 33.

15. Subject to the Enactments herein contained, the Estates and Interests of all recorded Owners shall remain subject to the existing Law, and may be dealt with, assured, devised, and transmitted by Descent or Representation according to the ordinary Rules of Law and Equity.

Acts relating to Registry of Deeds not to apply to recorded Land. 25 & 26 Vict. c. 53. s. 104.

16. The Provisions of the several Acts of Parliament now in force relating to the Registry of Deeds in Ireland shall cease to be applicable to any Land or Lease or Charge so soon as it has been placed on the Record under the Provisions of this Act, and so long as it remains thereon and such Record remains open: Provided always, that if at any Time the recorded Owners of any Land or Lease shall be Trustees of a Settlement the said Acts shall, without Prejudice to the Title of any recorded Purchaser for valuable Consideration from the said Trustees, apply to the Estates, Rights, Titles, and Interests of all Persons claiming beneficially under the said Settlement, in the same Manner as if the Title of such Trustees had not been recorded under this Act.

Power to amend the Record on Fiat of a Judge, and the like Amendment to be made in Land Certificate.

Power to order a Certificate to be brought in to be amended or a new one substituted.

17. The Officer shall, when directed by a Fiat of a Judge, but not further or otherwise, make any Amendment or correct any Error in the Record, or in any Map thereto annexed, as the Judge shall consider just; such Amendment or Correction shall be made after such Notices, and on such Terms as to Costs or otherwise as the Judge may think fit. Every such Amendment or Correction in the Record shall be marked by the Officer with the Date of making the same, and with the Initials of his Name; and any Certificate which may have been issued as herein-after mentioned shall be amended in like Manner; and the Judge may direct and compel any such Certificate to be brought to the Office by any Person for the Purpose of Amendment, or for the Purpose of having a new Certificate granted in lieu thereof; and such Amendment of the old or Substitution of a new Certificate shall be without Prejudice to any Claim of Lien or other Claim thereon, and shall be on such Terms as to Costs as may be just.

As to Land Certificates and Certificates of Charge.

Officer to deliver Land Certificates. 25 & 26 Vict. c. 53 ss. 68 and 69.

Certificates of Charge to be also issued on Request.

18. The Officer shall upon Request deliver to every Person who is named or described in the Record as the Owner of any recorded Estate a Certificate, herein called a "Land Certificate," under the Seal of the Office, which Certificate shall contain a Copy of the Description of the Lands with all the Entries in force relating thereto, and a Copy of the Map (if any); provided always that no such Land Certificate shall be issued until any Duplicate Conveyance or Declaration which may have been delivered to the said recorded Owner shall be returned to the Officer to be cancelled; the Officer shall also upon Request deliver to every Person who is named or described in the Record as the Owner of any Charge or Incumbrance a Certificate of Charge; Land Certificates and Certificates of Charge shall be in such Form as the Court shall direct.

Officer to compare Certificate with the Record. 25 & 26 Vict. c. 53. s. 69.

19. At the Request of the Holder the Officer shall at any Time compare such Certificate with the Record, and, if there has been no Alteration, shall certify at the Foot of such Certificate that it contains a true Statement of the Entries in the Record, and shall sign the same and add the Date of such Signature; any Alteration or Omission which can be conveniently made in a Certificate, or any Addition thereto, so as to make the same correspond with any Alteration in the Record, may be made and signed by the Officer if he shall think fit; a new Certificate may be granted on the Delivery up of the former Certificate.

20. Whenever any recorded Owner shall be desirous of selling or mortgaging any recorded Estate he may, on giving up to the Officer his Land Certificate, obtain a "Special Land Certificate" for that Purpose, which shall contain an exact Description of the Estate proposed to be so dealt with, taken from the Record of Title, and the Particulars of the Incumbrances, if any, affecting the Estate described; such Certificate shall be conclusive Evidence of the Title of the recorded Owner as appearing by the Record; no Entry shall be made by the Officer in the Record of any Deed, Instrument, Act, or Transaction affecting the Estate comprised in such special Certificate, except on the Delivery up of such Certificate, until Fourteen Days have expired from and after the Day of the Date thereof; a Note of such special Certificate shall be entered in the Record and also on the original Land Certificate.

Recorded Owner desirous of selling, &c. may obtain special Land Certificate. 25 & 26 Vict. c. 53. s. 70.

21. Every Land Certificate, or Certificate of Charge, duly signed and sealed, shall be conclusive Evidence of the several Matters therein contained as of the Date of such Certificate; the Deposit of the Certificate by a recorded Owner shall, for the Purpose of creating a Lien on the Estate and Interest of the Depositor, be a valid Security in the Terms of any Letter, or Memorandum, or Agreement accompanying such Deposit; and such Letter, or Memorandum, or Agreement, shall be chargeable with the same Stamp Duty as a Mortgage would have been, according to the Stamp Acts now in force.

Certificate to be Evidence, and may be deposited as Security. 25 & 26 Vict. c. 53. ss. 71 and 73.

22. Any Owner of a recorded Estate or Charge, on making Application to the Officer, and upon giving up his Certificate to be cancelled, and on Payment of the authorized Fee, and on producing the Consent of any Incumbrancer or other Person whose Consent shall be deemed necessary by the Officer, may obtain separate Certificates for separate Parcels of Land, or for separate Portions of any Charge; and in such Case the old Folio of the Record may be cancelled, and new Folios or Chapters relating to such Subdivisions may be opened therein. On the Transfer of Part of a recorded Estate a new Folio shall be opened in respect of such Part, and a suitable Entry shall be made on the Folio and Map relating to the Residue, or, if the Officer shall deem it more convenient, he may cancel the old Folio and open a new one in respect of the Residue of the Estate.

Power of subdividing Land or Charge, and of obtaining new Certificates.

Procedure on Transfer of Part of an Estate.

Apportionments may be made and Surveys directed for the Purposes of Subdivision.

23. If for any Purpose mentioned in the last Section any Apportionment of Head Rent or of Tenant's Rent shall be desirable the Court may apportion such Rent, whether the same be reserved by a Fee-farm Grant or by a Lease, according to its usual Practice with regard to Apportionments, and on the like Notices or Consents being produced: Provided always, that the Officer may, if he deem it necessary, require a new Boundary Survey to be made and new Maps furnished before proceeding to open new Folios in the Record as to separate Parcels of Land.

On Proof of Loss, &c. of Certificate, a new one may be given. 25 & 26 Vict. c. 53. s. 118.

24. If any Land Certificate or Certificate of Charge be lost or destroyed the Officer may, upon being satisfied of the Fact of such Loss or Destruction, and after such public Advertisements for the Recovery of the same as he may consider expedient, give a new Certificate, and shall state thereon that it is given in Substitution for the former Certificate, and the same Fees shall be chargeable for the new as for the former Certificate; but no such new Certificate shall be of any avail against any Person who may have already derived Title under the former Certificate.

Cancellation of Folio of Record or Entry therein by the Officer.

25. If for any Purpose any Folio or Chapter of the Record, or any official Note or Entry therein, shall be cancelled, such Cancellation shall be effected in such Manner that such cancelled Folio, Note, or Entry shall remain legible, and shall not be destroyed or removed; and every such Cancellation shall be marked by the Officer with the Date of the making the same, and with the Initials of his Name.

Transfer and Transmission of recorded Estates and Charges.

Modes by which recorded Land may be dealt with. 25 & 26 Vict. c. 53. s. 63.

26. Recorded Estates and recorded Charges may be conveyed, charged, dealt with, or affected—

By a statutory Deed or Disposition in the Form in the Schedule annexed to this Act;

By Indorsement on the Certificate;

By Deposit by the recorded Owner of the Certificate with an accompanying Memorandum, Agreement, or Letter of Equitable Mortgage;

By Deed, Will, Decree, Order, or other Means by which such Land or Charge, if not recorded, might now, according to Law, be dealt with or affected, provided that an official Note thereof be made on the Record in manner herein directed;

but no equitable Mortgage or Lien on recorded Land shall be created by Deposit of Title Deeds.

27. On the Occasion of any Sale, Mortgage, or other Disposition of a recorded Estate, or of any Charge or Incumbrance thereon, the Parties, or their Attornies lawfully authorized, may attend at the Office to complete the Transaction. The Description of the Land and of the Estate or Charge proposed to be transferred shall be taken from the Record of Title, and inserted under the Superintendence of the Officer in One of the statutory Forms set out in the First Schedule hereto; and such Conveyance or Transfer shall be executed by the Owner or Transferror, or by his Attorney lawfully authorized, and duly attested by a Solicitor, and shall then and there, together with the Power of Attorney, be delivered to the Officer for the Purposes of having an official Note entered in the Record. Such Transfer or Disposition shall then or subsequently be accepted by the Transferee or Grantee, or his Attorney lawfully authorized.

Attendance of Parties at the Office to transfer or deal with recorded Land, &c.
25 & 26 Vict. c. 53. s. 64.

28. The recorded Owner of any Estate, Charge, or Incumbrance may transfer or charge the same by the Forms set out in the First Schedule hereto, and the same shall be as complete and effectual as any other Form of Transfer, Charge, or Mortgage would have been either at Law or in Equity. Persons taking under either of the said statutory Forms shall take as fully and effectually as if the Estates and Rights expressed to be created and given by such Forms respectively had been created or granted by any of the Modes of Assurance now known to the Law.

Transfer, &c. may be by the statutory Forms which shall be effectual.
25 & 26 Vict. c. 53. ss. 65 and 66.

29. So soon as any statutory Deed has been duly executed and handed to the Officer, such Deed and the Estate and Right created thereby shall be deemed to have been duly entered on the Record, and an official Note of Reference to such Deed shall forthwith be made by the Officer in the proper Folio of the Record: Provided always, that such Deed, and the Estate and Right created thereby, shall not be deemed to have been entered on the Record, so as to affect any Land, Lease, or Charge comprised in any such "Special Land Certificate" as herein-before mentioned, until after the Expiration of the Time herein-before limited for the Entry of any Deed, Act, or Transaction affecting such Land or Charge.

When Deed signed, &c. the Interest thereunder to be deemed recorded, and an official Note to be made.
25 & 26 Vict. c. 53. s. 76.

30. For the Purpose of authorizing or of compelling a Transfer to be made of any recorded Estate or Charge, or any Part thereof, the Court or a Judge may make such Orders and give such Directions as to the Appointment, Removal, or Change of Trustees, or as to the vesting in them or in any other Person of any Land or Charge, as the Lord High Chancellor is empowered to make or give under "The Trustee Act, 1850," or any Act amending or extending the same.

Vesting Orders may be made, as under the Trustee Acts.
25 & 26 Vict. c. 53. s. 95, and 21 & 22 Vict. c. 72. s. 66.

Power to recorded Owner of closing the Record and remitting his Estate to the Operation of the old Law relating to the Registry of Deeds, &c. in Ireland.

31. The Owner of any recorded Estate may at any Time by a Requisition under his Hand, and with the Consent of all Persons who may appear to be interested as having Charges or otherwise, and whose Consent shall be deemed necessary, require the Record to be closed, and on such Requisition and Consent being examined and found to be sufficient, a Memorial of the closing of the Record shall be prepared, specifying the Ownership and full Description of the Lands, which Memorial shall be signed by the Officer and by the said Owner, and shall be forthwith handed to the Registrar of the Registry of Deeds in Ireland; and such Registrar is hereby authorized and directed to file such Memorial, when duly verified, in the same Way as Memorials of Deeds, and shall receive such Fees thereon as now chargeable for Memorials of Deeds, and the said Registrar shall duly enter in the Registry the Name of the said Owner and the Description of the Lands, and shall make the usual Return on any Requisition as with regard to Memorials of Deeds; after the filing of such Memorial the Record shall be deemed for all Purposes closed as to such Land, and on Production of an attested Copy of such Memorial, an official Note shall be made thereof by the Officer on the Record.

Power to the Court when any recorded Estate shall be put in Settlement of closing the Record as to such Estate;

Memorial thereof to be entered in the Registry of Deeds.

32. When any recorded Land or Lease shall be put in Settlement in such Manner that there shall not be any Person competent to dispose of the entire Interest in such Land or Lease the Judge may direct that the Record shall be closed as to such Land or Lease, and the official Note closing the Record shall refer to such Settlement; and thereupon all Estates and Interests existing under or by virtue of such Settlement shall be dealt with in all respects as if such Land or Lease had not been recorded; but so, nevertheless, that for the Purpose of proving the Title of any Person deriving under such Settlement, and for the Purpose of again obtaining an indefeasible Title to such Land or Lease by any Person, and procuring the Title to such Land or Lease to be again recorded, the Record so closed as aforesaid shall be deemed to confer an indefeasible Title on the last recorded Owner, subject as in this Act in that Behalf is mentioned: Provided always, that the closing of the Record shall not affect any then recorded Charges on the Land or Lease; but such Charges and the Dealings therewith, shall continue to be recorded in the same Manner as if the Record had not been closed; provided also, that a Memorial of such closing of the Record shall in every Case be prepared and shall be handed to and filed by the Registrar of the Registry of Deeds in manner provided by the Thirty-first Section of this Act.

Purchasers for valuable Consideration not to be affected by unrecorded Deed or Fact. Jurisdiction of Courts of Equity. 25 & 26 Vict. c. 53. s. 103.

33. No Purchaser for valuable Consideration, under any statutory Disposition authorized by this Act, shall be affected by, or deemed to have any Notice whatever of, any Deed, Will, Instrument, Judgment, Order, Decree, Lien, or Fact (except as herein excepted), of which an official Note is not made on the Record of Title: Provided always, that nothing in this Act shall take away or affect the existing Jurisdiction of Courts of Equity on the Ground of actual Fraud.

Devisee of deceased recorded Owner may apply to be recorded as Owner. Notice to be given to Heir, &c. 25 & 26 Vict. c. 53. s. 79.

34. On the Death of the recorded Owner of any Real Estate, any Person claiming as Devisee may apply to be recorded as Owner in the Place of the deceased Person; but the Officer may decline to enter such Devise on the Record unless and until the Applicant shall have obtained an Order, or Decision, or Certificate from Her Majesty's Court of Probate in his Favour, and shall have lodged in the Office the Probate or a true Copy of the Will or Codicil under which he claims, and no Transfer or Disposition by the said Devisee shall be recorded within Twelve Calendar Months from the Date of the Death of the deceased Owner, except after the Service of such Notice on the Heir-at-law and Executors (if any) as the Officer shall deem necessary.

Court of Probate may grant Certificate of Intestacy.

35. Her Majesty's Court of Probate may, on sufficient Evidence of the Fact, issue to the Person claiming to be Heir-at-law to a recorded Owner a Certificate to the Effect that the Deceased died intestate as to his Real Estate or any Part thereof, and thereupon the Claimant may apply to the Landed Estates Court or a Judge for an Order to be recorded; and such Order shall specify the Terms upon which, and the Interval of Time after which, the Claimant may be entered on the Record as Owner; and it shall be the Duty of the Officer to see that the Terms of the said Order have been complied with, and thereupon to enter the Claimant as Owner accordingly.

Personal Representative may be recorded.

36. On the Death of the recorded Owner of a Chattel Interest in or of a Charge affecting Land, his personal Representative may apply to be recorded in the Place of the deceased Person.

Persons recorded upon Transmission by Death to hold subject to Equities, but be deemed recorded Owners.

37. The Executor, Administrator, Devisee, or Heir-at-Law of any deceased Owner as aforesaid, when recorded as Owner of any Land, Lease, or Charge, shall hold the same subject to the Equities upon and subject to which such deceased Owner held the same, and in Trust for the Persons and Purposes to which it may be applicable by Law; but for the Purposes of any Dealing with such Land, Lease, or Charge, under the Provisions of this Act, he shall be

Applications to be made as Court may direct. Caveat may be lodged by any Person interested.

deemed to be the recorded Owner thereof: Provided always, that any Application by an Executor, Administrator, Devisee, or Heir-at-Law, shall be in such Form and accompanied by such Evidence as the Court shall by General Rule direct; and that it shall be competent for any Person having or claiming any Interest in such Land, Lease, or Charge, to lodge a Caveat with the Officer in manner herein-after mentioned.

Assignees of Bankrupt, &c. Owner may be recorded." 25 & 26 Vict. c. 33. s. 80. Marriage may be recorded.

38. On the Bankruptcy or Insolvency of any recorded Owner, the Assignee or Assignees of his Estate shall be entitled to be recorded in his Place. On the Marriage of any Female Owner of recorded Land, her Husband may apply to be recorded as Co-proprieter in right of his Wife.

Deeds other than statutory Deeds not to be recorded, unless by Direction of a Judge.

39. The Officer shall not be bound to receive or take Notice of any Deed or Instrument in Writing which is not made and signed in manner herein-before directed and does not follow some One of the Forms in the First Schedule hereto annexed; but a Judge on the Application of any Person interested under any Deed, Contract, or other Instrument not made pursuant to this Act, may, by a Fiat indorsed on such Deed or Instrument, direct the Officer to receive and note the same; and thereupon the said Deed or Instrument shall be received and noted accordingly: Provided always, that the Judge may in such Case direct the original, or a certified Copy thereof, to be retained in the Court, or may direct a statutory Deed to be made and signed; and thereupon the said Deed or Instrument shall be dealt with as the Judge may direct; and if it be handed back to the Person who lodged it, it shall be so marked or indorsed by the Officer as to show that it has been noted on the Record.

Judgments and other Claims on recorded Estates.

No Judgment, Crown Bond, Lis, &c., to affect recorded Land unless duly entered on the Record. Judgments need not be registered by Affidavit in order to affect recorded Land.

40. No Judgments, Recognizance, Crown Bonds, Lis pendens, Acceptance of Office, Inquisition, Decree, or Order shall be a Charge upon recorded Land, or in any Manner affect the same, unless and until a Memorandum of the same, in such Form and with such Verification or other Evidence as the Court may by General Rule direct, shall be lodged with the Officer; and the Officer shall on such Memorandum being lodged and such Information given as will enable him to identify the Land sought to be charged make an official Note thereof on the Record. It shall not be necessary to register or file any Affidavit in the Registry of Deeds Office for the Purpose of making a Judgment a Charge on recorded Land.

41. Judgments, Recognizances, Crown Bonds, Lis pendens, Acceptances and Inquisitions, Decrees, and Orders entered on the Record by the Lodgment of a verified Memorandum and the Entry of an official Note as aforesaid, shall be re-entered before the End of every Five Years from the Entry thereof, by the like Means; and no Judgment, Recognizance, Crown Bond, Lis, Decree, or Order shall be of any Force or Effect as against a Purchaser for valuable Consideration or Mortgagee of recorded Land unless the same shall have been entered or re-entered on the Record within Five Years previous to the Date of the recording of his Purchase; and no such Purchaser shall be affected by Notice express or implied of any such Judgment, Recognizance, Crown Bond, Lis, Decree, or Order.

Judgments, Recognizances, &c., to be re-entered before Five Years. If not so re-entered, they shall not affect Purchasers for valuable Consideration.

42. Whenever Payment is made of any Part of the Principal Money due on a recorded Charge or Incumbrance, the Officer may, on Production of a Receipt signed by the recorded Owner of the Charge and duly verified, make an official Note thereof on the Record. Unless and until such Note be made the entire Principal Sum shall, on the Occasion of any Transfer, be considered as due. Interest on the Principal Sum since the last Gale Day shall be considered as due unless the Fact of the Payment of such Interest be recorded. If in any Instrument of Transfer any further Interest be expressed to be due such Transfer of Arrears of Interest shall be valid only to the Extent to which such Interest shall be actually due and recoverable from the Land.

Part payment of Charge to be noted. Interest from the last Gale Day only shall be deemed to be due on the Occasion of a Transfer.

43. Whenever any recorded Land or Lease shall be sold by the Sheriff under any Writ, or shall be sold under any Direction, Decree, or Order of any competent Court, the Officer, on Production to him of the Conveyance or Assignment, and of an Office Copy of the Writ, Direction, Decree, or Order, may record the Purchaser as Owner of such Land or Lease.

Sale by Sheriff of any recorded Land or Lease to be noted.

Trustees for Sale may be recorded as Owners.

44. Trustees with a Power of Sale may be entered as Joint Owners, and any other Person may, by their Consent or by Direction of a Judge, be entered as a "consenting Party;" and without the Consent of the Person so inscribed as last aforesaid no Transfer or Disposition shall be made: Provided always, that the Court shall have full Power (after such Inquiries and on Notice to such Persons as it shall deem just) to direct the Name of any Person to be removed as a "consenting Party," and to direct the Name of any other Person to be inserted in lieu thereof; and any Person interested in preventing any Sale or Disposition by such Joint

Trustees, with Power of Sale, may be recorded as Owners, and a Person may be recorded as "consenting Party" to any Sale, &c.

Owners may lodge a Caveat with the Officer in manner herein-after mentioned.

As to lodging Caveats against Transfer, &c.

Power to any Person interested to lodge a Caveat prohibiting dealing with Land, &c. 25 & 26 Vict. c. 53. ss. 96, 97, 40.

45. Any Person interested in any Land, Lease, or Charge recorded in the Name of any other Person may lodge a Caveat with the Officer, which Caveat shall be in such Form and shall be verified and noted on the Record in such Manner as the Court shall by General Rule direct; a Caveat shall remain in force for a Period of Twenty-one Days from the Date thereof if the Court shall be then sitting, or if the Court shall not be sitting then for Twenty-one Days from the next Sitting of the Court; any Transfer or other Disposition recorded during such Period shall, unless a Judge shall otherwise direct, be made expressly subject to the Title and Claim (if any) of the Cautioner.

Caveat to cease unless extended. Power to a Judge to extend the Operation of a Caveat. 25 & 26 Vict. c. 53. ss. 98, 99, 100.

46. After the Expiration of such Period the Caveat shall cease, unless a Fiat continuing it be made by a Judge; and upon the Caveat so ceasing, the Land, Lease, or Charge shall be dealt with in the same Manner as if no Caveat had been lodged; if before the Expiration of the said Period the Cautioner or his Solicitor appears before a Judge and gives such Undertaking or Security, or lodges such Sum in Court as such Judge may consider sufficient to indemnify every Person against any Damage that may be sustained by reason of any Disposition of the Property being delayed, then and in such Case such Judge may direct the Officer to delay recording any dealing with the Land, Lease, or Charge for a further Period, to be specified in such Order, or make such other Order as may be just; if any Caveat be lodged without reasonable Cause, such Judge may order Payment by the Cautioner of such Sum by way of Compensation or Costs as he may deem just.

Leases and Demises of recorded Land.

Mode of leasing or demising recorded Land.

47. Whenever recorded Land is intended to be leased or demised, the Lease and a Counterpart thereof, after being executed by the recorded Owner and attested, may be brought to the Officer, who shall make an official Note of the Terms of such Lease in the proper Folio of the Record, and shall mark or endorse on such Lease and Counterpart a Note that they have been recorded; a Lease granted by any Person having Power to lease, but not being the recorded Owner, may, on the Fiat of a Judge, be noted on the Record in like Manner; on the Application of the Lessee, and after Notice to the recorded Owner, any such Lease may be entered in a Subdivision or Chapter of the said Folio, and such Lease shall in that Case be deemed to be a "recorded Estate" within the Meaning of this Act: Provided always, that if the Lessor's Interest shall be subject to any recorded Charge, either the Consent of the Person appearing entitled to such Charge shall be obtained before a Lease or Demise of recorded Land shall be noted or entered on the Record, or, if such Consent be not obtained, the Officer shall enter a Note to the Effect that the granting or recording of such Lease is "without Prejudice to the Title and Claim" of the Person entitled to such Charge; and the Interest of the Lessee shall remain subject to such Qualification as last aforesaid, but the Officer may at any Time, on such Consent being obtained and proved to his Satisfaction, cancel such Qualification; and thereupon the Title of the Lessee shall become indefeasible, subject only to the Reservations, Clauses, and Covenants contained in the Lease; provided also, that any Tenancy or Lease lawfully made at a Rack-rent without Fine for a Term not exceeding thirty-one Years, and under which the Tenant is in possession, shall be valid for all Purposes, although not entered or recorded under this Act.

Consent of any Person entitled to a Charge to be obtained, otherwise the Rights of such Person to be expressly reserved.

Certain Leases excepted from Operation of the Act.

Land heretofore conveyed, &c. may be brought upon the Record.

48. Any Person who has heretofore obtained a Conveyance from the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or has obtained or may hereafter obtain a Conveyance or Declaration of Title from the Landed Estates Court, may apply in a summary Manner, without Petition, to the Court to be recorded as Owner pursuant to this Act; and on producing such Conveyance or an Office Copy of such Declaration, and on furnishing such Search or other Evidence of Title, and after the Publication of such Advertisement as the Court may direct, such Person may, if the Court think fit, be recorded as Owner of the whole or Part of the Land or Lease comprised in such Conveyance or Declaration; and such Land or Lease, or Part thereof, shall thereupon become a recorded Estate within the Meaning of this Act: Provided always, that an Interval of Two Calendar Months shall elapse between such First Application and the final recording of the Title as aforesaid, and that the Officer may, if he think fit, require a new Survey of the Land to be made, and a new Map, for the Purpose of Entry on the Record.

Power in certain Cases to record Land, although an Interval has elapsed since such Land was the Subject of a Conveyance or Declaration by the Court.

Rules for keeping up the Record.

49. The following Rules shall be observed in keeping up the Record of Title:

Rules for keeping up the Record of Title established by this Act.

1. No Notice of any Trust implied, express, or constructive shall be received by the Officer or entered on the Record:

2. Upon the Occasion of Two or more Persons being recorded as Owners of any Estate or Charge a Note may with their Consent or by Direction of the Transferror be made on the Record, to the Effect that when the Number of such Owners is reduced below a certain specified Number no Disposition of such Land or Charge shall be made by the Survivors, except by Order of the Court; and such Note excluding the Right of Survivorship shall appear on every Copy or Certificate issued by the Officer:

3. On the Occasion of the First Transfer or Assignment of any recorded Charge the Officer may open a Subdivision or Chapter of the Folio in respect of such Charge, which shall be referred to by Number or otherwise on the former Folio:

4. Every Certificate of Charge issued by the Officer shall contain a Statement of or a Reference to all prior Charges and Incumbrances affecting the Land:

5. When any Transfer of a Charge is recorded the Transferror shall hand his Certificate of Charge to the Officer, who may either cancel the same and issue a new Certificate of Charge or endorse a Note of the Transfer and re-issue the Certificate to the Transferee:

25 & 26 Vict. c. 53. s. 85.

6. The "official Note" to be made of any Deed, Instrument, or Fact material to the Title shall contain a short Statement of the Nature thereof, or a Reference thereto, and to any Order or Direction of the Court or of a Judge, or of the Court of Probate, if any, that may have been made in relation thereto; and every such "official Note" shall be dated and signed by the Officer:

25 & 26 Vict. c. 53. s. 87.

7. The Officer, on the Application of any recorded Owner or Incumbrancer, and on finding that any Charge, Incumbrance, or Claim is paid off or satisfied, may cancel any official Note thereof, and no Release or Reconveyance thereof shall be necessary:

8. Where Two or more Persons are entitled as joint Tenants, Coparceners, or Tenants in Common to any recorded Estate such Persons shall receive separate Certificates evidencing their Title thereto:

25 & 26 Vict. c. 53. s. 88.

9. No dealing with any recorded Land or Charge shall be completed or noted on the Record until the Officer shall be satisfied that the Stamp and ad valorem Duties which would be payable in respect of the same have been duly paid:

10. The Officer shall, in any Case of Difficulty or Doubt arising in the Execution of his Duties, apply to a Judge of the Landed Estates Court, and take his Direction in relation thereto.

General Provisions, Practice of the Office, Rules, Forms, Fees, &c.

Title of Lessor in Lease not to be indefeasible unless the Court shall direct a Note to be entered to that Effect.

50. On the recording, pursuant to this Act, of any Land held under Lease or Agreement, the indefeasible Title shall not extend to the Title of any Lessor or Grantor under whom the same is held, unless the Court, having investigated the Title of such Lessor or Grantor, shalt direct an official Note to be entered to the Effect that the Title of such Lessor or Grantor is guaranteed, and in such Case the Validity of such Lease shall not afterwards be impeached on the Ground of any Want of Power or Title in the said Lessor or Grantor to make the same, or by reason of any Clause, Condition, or Covenant in the same, or by reason of the same not having been duly registered.

Officer not to be restrained by Injunction, &c. 21 & 22 Vict. c. 72. s. 86.

51. No Act, Entry, or Proceeding under this Act shall be restrained, nor shall the Officer be restrained by Order or Injunction of a Court of Equity, or by Writ of Prohibition, nor shall the Officer be required by Writ of Mandamus to do any Act or make any official Note or Entry under this Act, nor shall the Record or any Book or Document be liable to be removed from the Office under any Writ or Process of any other Court, unless a Judge shall so direct.

Indemnity for Acts done bonâ fide.

52. The Judge shall not, nor shall the Officer or any Person acting under the Authority of either of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter bonâ fide done or omitted in the Exercise or supposed Exercise of the Powers of this Act.

Days and Hours when the Office shall be open for Business.

53. The "Record of Title Office" of the Court shall be open for Business on every Day of the Year, except the following Days; viz., Sundays, Christmas Day and Two following Days, New Year's Day, Good Friday, Easter Monday and Tuesday, and Whit Monday, and any Day duly appointed to be kept as a Day of General Fast or Thanksgiving; when the Court is sitting the said Office shall be open to the Public from Eleven o'Clock until Three o'Clock, and when the Court is not sitting from Twelve o'Clock until Two o'Clock daily; such Officer and Clerks shall attend therein as the Court shall from Time to Time direct.

General Rules to be made and approved of and submitted to Parliament.

54. The Judges shall, on or before the First Day of January next, frame a Code of General Rules and of Forms for carrying out the objects of this Act; such General Rules shall further provide for the Sale, Transfer, Partition, and Exchange of "Recorded Estates" by the Court in a summary Way; such Rules and Forms shall be submitted to the Lord Chancellor of Ireland, and approved of by him before they shall be binding, and when made and approved of as aforesaid they shall be laid before Parliament forthwith if Parliament is sitting, or if not, within Fourteen Days after the next Sitting of Parliament; and such Rules and Forms may from Time to Time be rescinded or altered by the like Authorities respectively, and all such Rules shall take effect as General Rules of the Court.

Seal of Record of Title Office. 25 & 26 Vict. c. 53. s. 123.

55. A Seal shall be prepared for the Record of Title Office of the Court, and shall be kept in the Custody of the Officer, and all Certificates and other Documents purporting to be sealed with such Seal shall be admissible as Evidence without further Proof.

Person making false Statement guilty of Misdemeanor. 25 & 26 Vict. c. 53. s. 105.

56. If in any Proceeding to obtain the recording of any Land or to obtain any Certificate or otherwise in any Transaction relating to Land which is or is proposed to be put upon the Record any Person acting either as Principal or Agent shall, knowingly and with Intent to deceive, make or assist, or join in or be privy to the making of any material false Statement or Representation, or suppress, conceal, or assist or join in, or be privy to the suppressing, withholding, or concealing from any Judge, or the Officer, or any Person assisting the Officer, any material Document, Fact, or Matter of Information, every Person so acting shall be deemed to be guilty of a Misdemeanor, and on Conviction shall be liable to be imprisoned for a Term not exceeding Three Years, and either with or without Hard Labour, or to be fined such Sum as the Court by which he is convicted shall award; the Act or Thing done or obtained by means of such Fraud or Falsehood shall be null and void to all Intents and Purposes, except as against a Purchaser for valuable Consideration without Notice.

As to Persons aggrieved by Proceeding, &c. for any Act declared a Misdemeanor. 25 & 26 Vict. c. 53. s. 106.

57. No Proceeding or Conviction for any Act hereby declared to be a Misdemeanor shall effect any Remedy which any Person aggrieved by such Act may be entitled to, either at Law or in Equity, against the Person who has committed such Act.

Answers to Questions, &c. not admissible in Evidence. 25 & 26 Vict. c. 53. s. 107.

58. Nothing in this Act contained shall entitle any Person to refuse to make a complete Discovery by Answer or otherwise to any Bill or Petition in Equity or to answer any Question or Interrogatory in any Civil Proceeding in any Court of Law or Equity or in the Court of Bankruptcy; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Criminal Proceeding.

Provisions as to Applications made by

59. Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming married Women. 25 & 26 Vict. c. 53. s. 115.

Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily; and such Examination may be taken by the Judge; a married Woman entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a Feme sole.

Provision for other Persons under Disability. 25 & 26 Vict. c. 53. s. 116., and 21 & 22 Vict. c. 72. s. 73.

60. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may, with the Assent of a Judge, make such Applications, give such Consents, do such Acts, and be Party to such Proceedings as such Person respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise with such Assent as aforesaid, represent such Person for the Purposes of this Act; where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being Infant, Idiot, or Lunatic, or where any Person, the Committee of whose Estates if he were Idiot or Lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found Idiot or Lunatic under an Inquisition, it shall be lawful for a Judge to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where a Judge sees fit he may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Record to be managed by certain Officers of the Court.

Arrangements to be made for constant Attendance.

Power to appoint Two Clerks to assist in the Office

61. The Record shall be under the Management of the following Officers of the Landed Estates Court, viz., the Three Examiners and the Registrar, or of such One of them as the Court shall from Time to Time direct, and in case of his Absence the Court shall appoint One other of the said Officers to supply his Place; and the Court shall adjust the Duties now performed by the said Four Officers, in such Manner as may appear expedient for the Purposes aforesaid, and shall so arrange the same that some One of the said Four Officers shall be in Attendance daily (except as aforesaid) throughout the Year; the Judges of the Court may, with the Consent of the Commissioners of Her Majesty's Treasury, appoint Two additional Clerks to assist in the said Office, and there shall be paid to such Clerks such Salaries as the Judges with the Assent of the said Commissioners shall appoint; and such Clerks shall be subject to the same Regulations, and shall hold their Offices on the same Conditions, and shall be paid out of the same Funds and in the same Manner as the other Clerks of the Court; and all other Expenses of carrying out this Act shall be paid out of such Monies as shall be provided by Parliament.

Practice before the Judge and Right of Appeal. 25 & 26 Vict. c. 53. s. 134.

62. All Applications to the Judge under this Act shall be made in Chambers, and such Judge may direct any Matter before him to be argued in Court; any Order or Decision of the Judge shall be subject to the like Appeal to the Court of Chancery Appeal in Ireland, and thence to the House of Lords, as is provided by the said recited Act of the Twenty-first and Twenty-second Years of the Reign of Her Majesty.

Address of recorded Owners, &c. to be given for the Purpose of serving Notices. 25 & 26 Vict. c. 53. s. 124.

63. A Place of Address in Ireland shall be entered in a Book to be kept for that Purpose in the Notice Office of the Court, for every Person whose Name is entered on the Record as Owner of Land, or of a Charge, or as a Cautioner, or as entitled to receive any Notice; or any such Person may at his Option give the Name and Address of some Solicitor of the Court to act on his Behalf. Notices shall be deemed sufficiently served if sent through the Notice Office of the Court, or by registered Post Letter to such Address as aforesaid.

Lord Chancellor may frame a Scale of Costs for professional Services in regard to recorded Land. 25 & 26 Vict. c. 53. s. 131.

64. The Lord Chancellor of Ireland, after Conference with any Two of the Judges of the Court, may frame a Scale of Costs to be paid to Solicitors or certificated Conveyancers in respect of any Service rendered by them in relation to any recorded Estate or Charge, or any Matter connected therewith, and such Scale may in like Manner from Time to Time be varied. Such Scale shall be framed with regard to the Skill and Trouble involved and the Amount of Property affected, and not with regard to the Length of the Documents prepared.

Forms in Schedule to be used, but may be varied if necessary. 25 & 26 Vict. c. 53. s. 67.

65. The Forms contained in the First Schedule hereto shall be used; but they may be modified or altered to suit the Circumstances of every Case, and Deeds made in such altered Forms shall be equally valid and effectual.

Rules with regard to the Collection of Fees. 25 & 26 Vict. c. 53. ss. 129 and 130.

66. *The Fees mentioned in the Second Schedule hereto shall be demanded and taken, and no others; and the following Rules shall be observed with respect to the Collection of Fees:*

1. *All Fees payable shall be received by Stamps denoting the Amount of Fees payable, and not in Money:*
2. *When any Fee is payable in respect of a Document a Stamp denoting the Amount of Fee shall be affixed to such Document.*

3. *The Commissioners of Inland Revenue shall provide everything that is necessary for the Collection of the Monies hereby directed to be paid by Stamps.*

Stamp Acts applied to Stamps under this Act.

The several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall apply to the Stamps to be provided in pursuance of this Act, and to any Document on which such Stamps may be impressed, and to collecting and securing the Sums of Money denoted by Stamps, and to preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully as if such Provisions had been herein repeated and specially enacted with reference to the last-mentioned Stamps and Sums of Money respectively.

FIRST SCHEDULE.

Form of Transfer of recorded Land.

I, *A.B.*, the recorded Owner of the under-mentioned Land, pursuant to the Record of Title Act, Ireland, 1864, in consideration of £ Sterling, paid to me by *C.D.* of &c., do grant to the said *C.D.* all [*insert Description of Land taken from the Record, and refer to Map* (*if any*)]. To hold to him and his Heirs for ever [*or otherwise, according to the Nature of the Interest transferred*]. Dated this Day of .

Signed and Sealed at the Record of Title Office, Landed Estates Court, Ireland, in my presence, *E.F.* of a Solicitor of the Court.

Signature,
(*Seal.*)

I hereby accept the above Transfer.

Signature,
Address,

Form of Charge.

I, *A.B.*, the recorded Owner of the under-mentioned Land, pursuant to the Record of Title Act, Ireland, 1864, in consideration of £ Sterling, lent to me by *G.H.* of , do charge in favour of *G.H.* of , the Hereditaments described in the Schedule hereto with the Principal Sum of £ repayable on the Day of , together with Interest thereon, at the Rate of per Cent. [reducible to if paid within a Month after due], and payable half-yearly, every and . Dated this Day of .

Witness, &c.,
as above.

Signature,
(*Seal.*)

I hereby accept the above Charge.
Signature and Address,

Schedule above referred to.

N.B.—This Form may be adapted to the Case of an Annuity charged on Land.

Form of Transfer of Charge.

I, the within-named *G.H.*, the recorded Owner of a Charge under the Record of Title Act, Ireland, 1864, in consideration of £ Sterling, paid to me by *J.K.* of , do transfer to the said *J.K.* the [within mentioned]

mentioned] charge, on which £ now remains due [together with Interest from the last Gale Day of Interest].

Witness, &c.,
as above.

Signature,
(Seal.)

I hereby accept the above Transfer.
Signature and Address,

Form of Power of Attorney to Transfer.

I, *A.B.*, the recorded Owner of Land [or a Charge] under the Record of Title Act, Ireland, 1864, do hereby appoint *L.M.* of &c., Solicitor, my Attorney, for the Purpose of transferring to *S.T.* of &c., absolutely all my Hereditaments, as entered and described in the Record of Title under Folio [Tyrone, No. 129] and my Estate therein [*or* my Charge, *describing it*].

Signature,

Witness, &c.

(Seal.)

Form of Requisition under Section 7.

To the Landed Estates Court, Ireland.

Whereas an Act of Parliament has been passed intituled "An Act for "keeping Titles granted by the Landed Estates Court free from Complication, "so as to render Dealings with Land more simple and economical." And I am desirous that a Conveyance [*or* Declaration of Title] of Lands in the County of , made to me on last, should not be recorded pursuant to the said Act.

I hereby request that the Court will not record the same.

Dated

Signature,

N.B.—The Signature of the Person making this Requisition should be affixed before an Officer of the Court, or otherwise authenticated.

SECOND SCHEDULE.

Fees authorized to be taken, all of which shall be collected by Stamps affixed on such Documents as the Officer shall direct.

N.B.—No Fees shall be payable in respect of the first recording of any Conveyance or Declaration hereafter made by the Court.

	£	s.	d
On recording any Transfer of a recorded Estate, or any Charge or Transfer of Charge, where the Amount or estimated Value of such Estate or Charge does not exceed £1,000 - - -	0	5	0
And for every further Sum of £1,000 or fractional Part thereof - - - - - - -	0	2	6

	£	s.	d.
On Application to be recorded under Section 48	0	10	0
On recording an Estate, under Section 48, the same ad valorem Fee as above mentioned.			
On recording any Transmission of the Estate or Charge of a recorded Owner deceased to his Heir-at-Law, Devisee, or personal Representative	0	5	0
On recording any Judgment, Crown Bond, or other Charge, under Sections 41 and 42, or any Decree, Direction, or Order of any Court or Judge	0	2	6
And generally on noting any Lease, Certificate, Document, or Fact material to the Title, and not before provided for	0	2	6
If any Document or Fact is required to be entered under several Folios or Chapters, several Fees will be payable.			
On opening a new Folio or Chapter in the Record in relation to an Estate or a Charge	0	5	0
On issuing a Land Certificate (after the first recording of the Estate), if the Value do not exceed £1,000	0	7	6
And for every further £1,000 or fractional Part thereof	0	2	6
For every Certificate of Charge, the same Fees as last above mentioned.			
For every Special Land Certificate, under Section 20, the same Fees as last above mentioned.			
On re-sealing and re-signing any Certificate, under Section 19	0	5	0
On entering any Caveat, under Section 45	0	10	0
On Cancellation of any Folio, Chapter, Entry, or official Note	0	5	0
On closing the Record, under Section 31, at Owner's Request	1	0	0
On every Search or Inspection of the Record, when duly authorized	0	2	6

N.B. In addition to the foregoing, the Sum of Threepence for every Folio of Seventy-two Words may be charged in respect of Copies of, or Extracts from, the Record or any Document actually required and taken by any Person (when permitted); and the Officer is further authorized to charge any Sum actually payable (according to an authorized Scale, to any Surveyor, Printer, or Scrivener for Services or Work necessarily rendered with regard to any Map, Certificate, or Transcription, under this Act.

Titles (Ireland) (No. 2.)

A

BILL

For the Recovery of Titles in Ireland.

*(Prepared and brought in by
Mr. Attorney-General for Ireland and Sir
Robert Peel.)*

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1864.

[Bill 244.]

Under 4 *oz.*

12 *February* 1864. 27 VICT.

A

BILL

TO

Amend the Law in certain Cases relating to Trespasses in Pursuit of Game.

WHEREAS it is expedient to amend the Law in certain Cases relative to the Recovery of Penalties for Trespass on Lands in Ireland in pursuit of Game, and to prevent the Necessity of Occupiers of Lands not interested in such Game being made Party Prosecutors in Proceedings for the Recovery of such Penalties: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Preamble.

1. From and after the *First Day of September One thousand eight hundred and sixty-four* the Tenth Clause of an Act passed in the Twenty-seventh Year of the Reign of His late Majesty King George the Third, intituled "An Act for the Preservation of the Game," shall be and is hereby repealed.

Repeal of 10th Section of 27 Geo. 3.

2. If any Person whomsoever shall commit any Trespass by entering or being upon any Land in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, Wild Ducks, Widgeons, or Teal, or lay any Snares or Traps for the Taking or Destruction of the same, or otherwise wilfully destroy the same, or the Nests or Eggs thereof, such Person shall, on Conviction thereof before a

Penalty for trespassing in pursuit of Game, or of Woodcocks, Snipes, &c.

Justice of the Peace, forfeit and pay such Sum of Money not exceeding *Five Pounds*, and not less than *One Pound*, as to the Justice shall seem meet, together with the Costs of the Conviction, and in default of Payment at the Time appointed such Person shall be imprisoned in the Common Gaol (with or without Hard Labour, as to the Justice shall seem meet,) for any Term not exceeding *Two Calendar Months* nor less than *Forty-eight Hours*, the Imprisonment to cease upon Payment of the Amount and Costs: Provided always, that any Person charged with any such Trespass shall be at liberty to prove by way of Defence any Matter which would have been a Defence to an Action at Law for such Trespass, save and except that the Leave and Licence of the Occupier of the Land so trespassed upon shall not be a sufficient Defence in any Case where the exclusive Right of killing Game upon such Land hath been heretofore, or shall be hereafter, specially reserved by or granted to, or doth or shall belong to the Landlord, Lessor, or any Person whomsoever other than the Occupier of such Land; but such Landlord, Lessor, or other Person shall, for the Purpose of prosecuting for such Offence, be deemed to be the legal Occupier of such Land.

Interpretation of the Word "Game."

3. The Word "Game" shall for all the Purposes of this Act be deemed to include Hares, Rabbits, Pheasants, Partridges, Grouse, Heath or Moor Game, and Black Game.

Act to extend to Ireland only.

4. This Act shall extend and be construed to extend to Ireland only.

Tresspass (Ireland).

A

B I L L

To amend the Law in certain Cases relating to Trespasses in Pursuit of Game.

(Prepared and brought in by
Mr. William Ormsby Gore and Captain Archdall.)

Ordered, by The House of Commons, *to be Printed,*
12 *February* 1864.

[Bill 13.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Law in certain Cases relating to Trespasses in Pursuit of Game.

Preamble.

WHEREAS it is expedient to amend the Law in certain Cases relative to the Recovery of Penalties for Trespass on Lands in Ireland in Pursuit of Game, and to prevent the Necessity of Occupiers of Lands not interested in such Game being made Party Prosecutors in Proceedings for the Recovery of such Penalties: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Repeal of 10th Section of 27 Geo. 3.

1. From and after the First Day of September One thousand eight hundred and sixty-four the Tenth Clause of an Act passed in the Twenty-seventh Year of the Reign of His late Majesty King George the Third, intituled "An Act for the Preservation of the Game," shall be and is hereby repealed.

Clause A. Definitions of "legal Occupier" and "Trespasser."

2. Where the Landlord or Lessor of any Land has reserved to himself, by any Deed or Writing, the exclusive Right to the Game on such Land, then such Landlord or Lessor, for the Purpose of prosecuting all Persons for trespassing in Pursuit of Game on such Land without his Consent, shall be deemed the legal Occupier of the said Land; and any Person who shall enter or be upon the said Land in Search of or in Pursuit of Game without the Consent of such Landlord or Lessor shall be deemed a Trespasser, and shall, on Conviction thereof before One or more Justices of the Peace sitting in Petty Sessions, forfeit and pay such Sum not exceeding Forty Shillings, together with the Costs, as the said Justice or Justices shall think fit; and such Penalty and Costs shall be recovered and levied in the same Mode and with the same Power of Appeal as are provided for the recovering and levying of any Penalties under the Petty Sessions Act of the Fourteenth and Fifteenth Victoria, Chapter Ninety-three, and the Petty Sessions Act of the Twenty-first and Twenty-second Victoria, Chapter One hundred, and as if the Provisions in the said Acts relating to the Recovery of Penalties were herein expressly repeated.

Penalties for such Trespass.

Interpretation of the Word "Game."

3. The Word "Game" shall for all the Purposes of this Act be deemed to include Hares, Pheasants, Partridges, Grouse, Heath or Moor Game, Black Game, Woodcocks, Snipes, Quails, Landrails, Wild Ducks, Widgeon, and Teal.

Act to extend to Ireland only.

4. This Act shall extend and be construed to extend to Ireland only.

Trespass (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law in certain Cases relating to Trespasses in Pursuit of Game.

(Prepared and brought in by
Mr. William Ormsby Gore and Captain Archdall.)

Ordered, by The House of Commons, *to be Printed,*
6 *July* 1864.

[Bill 195.]

Under 1 *oz.*

A

BILL

TO

Amend the Law relating to certain Nuisances on Turnpike Roads, and to continue certain Turnpike Acts in Great Britain.

WHEREAS it is expedient to amend the Law relating to Nuisances on Turnpike Roads, and to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Extension of Provisions of Highway Act as to Steam-engines to Turnpike Roads.

1. Whereas by the General Act for the Regulation of Highways, passed in the Session of the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Fifty, Section Seventy, it is, amongst other things, provided that it shall not be lawful for any Person to erect or cause to be erected any Steam Engine, Gin, or other like Machine, or any Machinery attached thereto, within the Distance of Twenty-five Yards from any Part of any Carriageway or Cartway, unless such Steam Engine, Gin, or other like Machine or Machinery be within some House or other Building, or behind some Wall or Fence, sufficient to conceal or screen the same from the said Carriageway or Cartway, so that the same may not be dangerous to Passengers, Horses, or Cattle, and a continuing Penalty of Five Pounds a Day is imposed for any Contravention of the said Provision: And whereas it is expedient that a like Provision should be made with respect to Turnpike Roads: Be it enacted, That it shall not be lawful for any Person to erect or cause to be erected, or to use, any Steam Engine, whether stationary or not, Gin or other like Machine, or any Machinery attached thereto, within the Distance of Twenty-five Yards from any Part of any Turnpike Road, unless such Steam Engine, Gin, or other like Engine or Machinery shall be within some House or other Building, or behind some Wall or Fence sufficient to conceal or screen the same from the said Road, so that the same may not be dangerous to Passengers, Horses, or Cattle; and in case any Person shall offend in any of the Cases aforesaid every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every Day such Steam Engine, Gin, Machine, or Fire shall be permitted to continue, contrary to the Provisions of this Act; which said Penalties shall be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture for any other Offence on any Turnpike Road may be levied, recovered, and applied.

Continuation of Acts, except

2. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of November One thousand eight hundred and sixty-five, and no longer, unless Parliament in the meantime continues the same; but every other Act now in force for regulating, making, amending, or repairing any Turnpike Road in Great Britain which will expire at or before the End of the next Session of Parliament shall continue in force until the First Day of November One thousand eight hundred and sixty-five and to the End of the then next Session of Parliament, except an Act of the Third Year of King George the Fourth, Chapter Sixty-two, "for "amending and keeping in repair the Road from the Turnpike "Gate at the Bottom of White Street Hill in the Parish of Donhead Saint Andrew, in the County of Wilts, through the Towns "of Shaftesbury, Milborne Port, and Sherborne in the Counties "of Dorset and Somerset, to the Half-way House in the Parish of "Nether otherwise Lower Compton in the said County of Dorset, "and several other Roads communicating therewith," so far as the same relates to the Shaftesbury Division of Road; an Act of the Sixth Year of King George the Fourth, Chapter Forty-four, "for "making and maintaining a Turnpike Road from Brighouse in the "Parish of Halifax to Denholme Gate in the Parish of Bradford "in the West Riding of the County of York;" an Act of the Sixth Year of King George the Fourth, Chapter Eighty-seven, "for more "effectually

3 G. 4. c.62. (in part).

6 G. 4. c.44.

6 G. 4. c.87.

" effectually repairing and improving the Roads from Sheet Bridge " to Portsmouth, and from Petersfield to the Alton and Alresford " Turnpike Road near Ropley in the County of Southampton, and " for making and maintaining a new Branch of Road to communi- " cate therewith ;" an Act of the Second Year of King William the Fourth, Chapter Twenty-one, " for more effectually repairing the " Road from Downham Market to Barton and to a Place called " the Devil's Ditch, all in the County of Norfolk ;" an Act of the same Year, Chapter Sixty-two, " for more effectually repairing the " Road from Ightham in the County of Kent to the Turnpike " Road leading from London to Maidstone in the said County ;" and an Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and thirty-six, " to repeal the Acts " passed for repairing the Road from Hedon, through Preston and " Bilton, to Hull, and other Roads in the County of York, and to " make other Provisions in lieu thereof," so far as the same relates to the Second District.

2 W. 4. c. 21.

2 W. 4. c. 62.

18 & 19 Vict. c. 136. (in part).

3. This Act may be cited for all Purposes as " The Annual Turnpike Acts Continuance Act, 1864."

Short Title.

SCHEDULE.

57 G. 3. c. 5. An Act for repairing the Road from the Cross Hands on the Worcester and Oxford Turnpike Road to Halford Bridge, and other Roads therein mentioned, in the Counties of Gloucester, Warwick, and Worcester.

1 G. 4. c. 5. An Act for enlarging the Term and Powers of Two Acts of His late Majesty, for repairing the Road from Buildwas Bridge, to join the Watling Street Road at Tern Bridge in the County of Salop.

3 G. 4. c. 11. An Act for continuing the Term, and altering, amending, and enlarging the Powers of the several Acts passed for repairing the Road from the Bars at Boughton, within the Liberties of the City of Chester, to Whitchurch, and from thence to Newport in the County of Salop, and other Roads in the said Acts mentioned, so far as relate to the First District of Roads in the said Acts mentioned; and for diverting a certain Part of the Road comprised within the said District.

4 G. 4. c. 62. An Act for more effectually repairing the Roads from Dyed Way to Somerton, and from Gawbridge to Tintinhull Fords, and from a Stream of Water called Ford to Cartgate in Martock, and other Roads therein mentioned in the County of Somerset.

5 G. 4. c. 11. An Act for amending and maintaining the Roads leading from the Town of Newent in the County of Gloucester, and other Roads in the Counties of Gloucester and Hereford.

5 G. 4. c. 28. An Act for repairing the Road leading from the Worcester Turnpike Road in the Village of Broadway in the County of Worcester to the Stratford-upon-Avon Turnpike Road in the Village of Mickleton in the County of Gloucester.

5 G. 4. c. 32. An Act for more effectually amending the Roads from Whitchurch in the County of Salop to that Part of the Road leading from Nantwich in the County of Chester to Newcastle-under-Lyne in the County of Stafford which passes through the Township of Madeley in the said County of Stafford, and also from Hinstock in the said County of Salop to Nantwich aforesaid.

5 G. 4. c. 56. An Act for repairing the Lower Road from Greenwich to Woolwich in the County of Kent.

7 G. 4. c. 15. An Act for maintaining and improving the Road leading from Pengate in the Parish of Westbury to a Place formerly called Price's Warren Gate, at Tinhead in the Parish of Edington in the County of Wilts, and other Roads near or adjoining the said Roads, in the Counties of Wilts and Somerset.

7 G. 4. c. 85. An Act for repairing the Roads from Spalding High Bridge to the Market Place in Donington, and from the Tenth Mile Stone in the Parish of Gosbertown to the Eighth Mile Stone in the Parish of Wigtoft in the County of Lincoln.

An Act for more effectually repairing and improving certain Roads in the Counties of Kent and Surrey, commonly called the New Cross Turnpike Roads. 7 G. 4. c. 125.

An Act for more effectually repairing and improving the Roads from the North-west Parts of the County of Lincoln, through Nettleham Fields, Wragby Lane, and Baumber Fields, to the North-east Part of the said County, and other Roads therein described, in the said County and in the City of Lincoln. 7 & 8 G. 4. c. 7.

An Act for repairing, improving, and maintaining in repair the Turnpike Roads from Wat's Cross to Cowden, and from Sevenoaks Common to Crockhurst Hatch Corner, and from Penshurst Town to Southborough, in the County of Kent. 9 G. 4. c. 108.

An Act for more effectually repairing and improving several Roads which lead to and through the Town and Borough of Chard in the County of Somerset, and for making and maintaining a new Road from Chard to Drempton in the County of Dorset. 10 G. 4. c. 93.

An Act to enlarge the Term and Powers of an Act for more effectually improving the Roads to and from the Town of Great Torrington in the County of Devon. 11 G. 4. c. 2.

An Act for repairing and improving the Road from the Nottingham and Mansfield Turnpike Road, through Kirkby and Pinxton, to Carter Lane, and to the Colliery near Pinxton Green, in the Counties of Nottingham and Derby. 11 G. 4. c. 7.

An Act for more effectually repairing, amending, widening, and improving the Road from the West Cowgate, near Newcastle-upon-Tyne, to the Alemouth Turnpike Road in the County of Northumberland, and for making and maintaining other Roads communicating therewith. 11 G. 4. c. 21.

An Act for more effectually repairing and maintaining the Road between Hockliffe in the County of Bedford and Stony Stratford in the County of Buckingham. 11 G. 4 c. 83.

An Act for amending an Act of the last Session, intituled "An Act for "more effectually repairing and improving several Roads which lead to and "through the Town and Borough of Chard in the County of Somerset, and "for making and maintaining a new Road from Chard to Drempton in the "County of Dorset;" and for making and maintaining other Roads communicating with the said Roads in the Counties of Somerset, Devon, and Dorset. 11 G. 4. c. 86

An Act for amending and improving the Road from Tonbridge to Ightham, and other Roads communicating therewith, in the County of Kent. 11 G. 4. c. 99.

An Act for repairing the Road leading from Dartford to Sevenoaks in the County of Kent. 1 W. 4. c. 8.

An Act for more effectually repairing and improving the Road from Hardingston to Old Stratford in the County of Northampton. 2 W. 4. c. 4.

An Act for more effectually repairing and otherwise improving the Road from Ipswich to Stratford Saint Mary in the County of Suffolk. 2 W. 4. c. 5.

2 W. 4. c. 64. An Act for making a Turnpike Road from the Parish of Cann Saint Rumbold, near Shaftesbury, in the County of Dorset, through Cranbourne Chase and the New Forest, to the Bell Inn at Brook in the Parish of Bramshaw in the County of Southampton, together with Two Branches therefrom.

2 & 3 W. 4. c. 109. An Act for maintaining certain Roads in the Neighbourhood of the Towns of Beverley, of Kingston-upon-Hull, and of North Cave, called the Beverley, Hessle, and North Cave Turnpike Roads.

3 W. 4. c. 6. An Act for repairing the Road from Reedy Gate in the Parish of Dunsford, through Moretonhampstead, to Cherry Brook in the Forest of Dartmoore in the County of Devon.

3 W. 4. c. 11. An Act for more effectually repairing the Roads from Swell Wold to the Turnpike Road leading from Tewkesbury to Stow, and from Cheltenham to Sedgborough, and from Winchcomb to the said Turnpike road from Tewkesbury to Stow, and also for making a new Branch from the said Road in Winchcomb to the Turnpike Road leading from Cheltenham to London at Andoversford in the Parish of Dowdeswell, in the County of Gloucester.

3 W. 4. c. 24. An Act for repairing the Road from Bicester in the County of Oxford to Aylesbury in the County of Buckingham.

3 W. 4. c. 44. An Act for more effectually repairing the Roads from Hodges to Beadles Hill and Cuckfield, and from Beadles Hill to Lindfield, all in the County of Sussex.

3 W. 4. c. 53. An Act for repairing and maintaining the Road from Stone Street, Hatch, at Ockley in the County of Surrey, to Warnham in the County of Sussex.

3 W. 4. c. 59. An Act for more effectually repairing the Road from the Canal Bridge in Hurdsfield in the County of Chester to the Turnpike Road at Randle Carr Lane Head in Fernilee in the County of Derby, leading to Chapel-in-the-Frith in the same County.

3 W. 4. c. 61. An Act for repairing and improving the Road between the Towns of Ross and Abergavenny, by Broad Oak and Skenfrith, and certain Roads connected therewith, leading to Grosmont and other Places, and for making and maintaining certain Branches of Road to communicate therewith, all in the Counties of Hereford and Monmouth.

3 W. 4. c. 88. An Act for more effectually repairing the Roads from Birmingham and Chesterfield in the County of Derby to the High Moors in the Parish of Brampton in the said County.

3 W. 4. c. 99. An Act for improving the Shrewsbury District and the Wellington District of the Watling Street Road in the County of Salop.

3 & 4 W. 4. c. 100. An Act for continuing certain Powers to the Trustees of the Road from Kentish Town to Upper Holloway in the County of Middlesex.

2 Vict. c. 14. An Act to extend, alter, and amend the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, relating to the New Cross Turnpike Roads in the Counties of Kent and Surrey.

An Act to alter some of the Provisions of an Act passed in the Seventh Year of the Reign of King George the Fourth, relating to the New Cross Turnpike Roads in the Counties of Kent and Surrey. 5 Vict. c. 45.

An Act for more effectually repairing certain Roads in the Parishes of Bermondsey, Rotherhithe, and Saint Paul and Saint Nicholas Deptford, and for making several new Roads connected therewith, all in the Counties of Surrey and Kent. 6 & 7 Vict. c. 108.

An Act for repairing the Road leading from a certain Point in the Kennington Road in the Parish of Saint Mary Lambeth in the County of Surrey to Highgate in the County of Sussex, and thence to Witchcross in the same County, and several other Roads therein mentioned. 13 & 14 Vict. c. 85.

Turnpike Acts Continuance, &c.

A

BILL

To amend the Law relating to certain Nuisances on Turnpike Roads, and to continue certain Turnpike Acts in Great Britain.

(Prepared and brought in by
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, to be *Printed,*
5 *July* 1864.

[Bill 194.]

Under 1 *oz.*

A

BILL

TO

Confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

Preamble.

14 & 15 Vict. c. 38.

WHEREAS by an Act of the Fifteenth Year of Her Majesty, Chapter Thirty-eight, "to facilitate Arrange- "ments for the Relief of Turnpike Trusts, and to make "certain Provisions respecting Exemptions from Tolls," herein-after referred to as the Principal Act, Power is given to One of Her Majesty's Principal Secretaries of State to make Provisional Orders for reducing the Rate of Interest and for extinguishing the Arrears of Interest on Mortgage Debts charged or secured on the Revenues of Turnpike Roads, in Cases where such Revenues are insufficient for the Payment in full of the Interest charged thereon: And whereas by the Act of the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter Forty-six, the Principal Act is extended to Turnpike Roads, the Acts relating to which are continued by any Annual Turnpike Acts Continuance Act, although their Revenues are not insufficient for such Payments as aforesaid: And whereas, in pursuance of the Principal Act, and the said Act extending the same, the several Provisional Orders referred

24 & 25 Vict. c. 46.

to in the Schedule hereto have been made by Her Majesty's Principal Secretary of State for the Home Department, and there are stated in the said Schedule the Dates of such Orders, and such Particulars relating thereto as are therein specified: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

1. The several Provisional Orders, the Dates of which are set forth in the First Column of the said Schedule, are hereby confirmed, and the Provisions thereof shall be of the like Force and Effect as if they had been expressly enacted by Parliament.

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1863.		£ s. d.		
31 Aug.	6 Geo. 4. c. 13., "An Act for repairing "the Road from Stockton to Barnard "Castle in the County of Durham" -	1,405 0 0	3*l.* per Cent.	31 Dec. 1863.
11 Sept.	57 Geo. 3. c. 3., "An Act for continuing "the Term and enlarging the Powers "of Two Acts of the Seventeenth "and Thirty-eighth Years of His "present Majesty, for repairing the "Roads from Henfield to Brighthelmstone "and from Poyning's "Common to High Cross in the "County of Sussex, and for repealing "so much of the said Acts as relates "to certain Parts of the said Roads"	3,134 10 0	1*l.* per Cent.	31 Dec. 1862.
28 Sept.	11 Geo. 4. c. 38., "An Act for maintaining "the Road from Haverhill in "the County of Suffolk to Redcross "in the Parish of Great Shelford in "the County of Cambridge" - -	1,120 0 0	4*l.* per Cent.	5 April 1864.
30 Sept.	3 Geo. 4. c. 62., "An Act for amending "and keeping in repair the Road "from the Turnpike Gate at the "Bottom of White Street Hill in the "Parish of Donhead Saint Andrew "in the County of Wilts, through "the Towns of Shaftesbury, Milborne "Port, and Sherborne, in the Counties "of Dorset and Somerset, to the "Halfway House in the Parish of "Nether otherwise Lower Compton "in the said County of Dorset, and "several other Roads communicating "therewith," so far as the same relates to the Sherborne Division of Road - - - -	3,200 0 0	4*l.* per Cent.	31 Dec. 1863.
12 Oct.	3 Geo. 4. c. 65., "An Act to repeal "several Acts passed for repairing "several Roads leading to the Town "of Bridgewater in the County of "Somerset, and several other Roads "therein mentioned, so far as the "said Acts relate to the Roads "leading to the said Town, and to "consolidate and comprise the same "in One Act of Parliament" - -	3,060 0 0 2,627 10 0	4*l.* per Cent.	1 July 1864.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.			Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
		£	s.	d.		
1863. 22 Oct.	1 & 2 Geo. 4. c. 54., "An Act for continuing and amending Two Acts of "His late Majesty, for repairing the "Roads from Gander Lane in the "County of Derby to Sheffield in the "County of York, and from Mosbrough "Green to Clown, both in the said "County of Derby; and also for "widening and altering certain Parts "of the said Roads, and making and "maintaining certain Branches of "Road communicating therewith" -	2,310	0	0	4*l.* per Cent.	1 Jan. 1864.
26 Oct.	2 Wm. 4. c. 85., "An Act for improving "certain Roads within the Counties "of Worcester, Salop, and Stafford, "called "The Dudley and New Inn "District of Roads" - -	2,425	18	0	2*l.* per Cent.	31 Dec. 1863 (Arrears extinguished.)
29 Oct.	7 & 8 Geo. 4. c. 62., "An Act for more "effectually repairing and improving "the Road from Frodsham to the "South End of Wilderspool Causeway, within Appleton in the "County Palatine of Chester, and "for making and maintaining a "certain Extension or new Branch "of Road to communicate therewith"	1,950	0	0	4*l.* per Cent.	1 Jan. 1864.
9 Nov.	11 Geo. 4. c. 4., "An Act for repairing "certain Turnpike Roads leading to "and form Thirsk in the County of "York" - - - -	2,322 1,911	6 0	8 0	3*l.* per Cent.	31 Oct. 1863.
16 Nov.	1 Geo. 4. c. 79., "An Act for repairing "the Road from Chatteris Ferry, "through Somersham to the Crown "Inn in Saint Ives, and also the "Road branching out of the said "Road near Stock's Bridge, through "Needingworth, to Hermitage Bridge, "in the Parish of Earith in the "County of Huntingdon" - -	1,320	0	0	4*l.* per Cent.	31 Dec. 1863.
16 Nov.	2 Wm. 4. c. 29., "An Act for more "effectually repairing and improving "the Road from the Town of Cockermouth to the Town of Workington, "and a Branch of Road over Broughton High Bridge, unto and as far "as the public Highway leading "from the Village of Papcastle "towards and unto the Village of "Great Broughton in the County of "Cumberland" - - -	700 2,570	0 0	0 0	3*l.* per Cent.	31 Dec. 1861 (Arrears extinguished.)
16 Nov.	11 Geo. 4. c. 24., "An Act for repairing "the Road from Wool Bridge to the "Borough of Dorchester in the "County of Dorset" - - -	1,725	0	0	4*l.* per Cent.	6 Jan. 1864.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.			Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
		£	s.	d.		
1863 : 18 Nov.	1 & 2 Geo. 4. c. 82., "An Act for repairing Part of the Great Road from Gloucester to Bristol, and certain Roads through and near the Towns of Berkeley, Dursley, Wotton-under-Edge, and Stroud, and other Roads therein mentioned, in the Counties of Gloucester and Wilts"	4,580	0	0	4*l.* per Cent.	5 April 1864.
18 Nov.	9 Geo. 4. c. 71., "An Act for more effectually repairing and maintaining the Road from the City of Chester to the Town of Frodsham in the County of Chester, and from the said Town of Frodsham to Ashton Lane End in the same County," so far as the same relates to the Chester and Frodsham Road -	4,300	0	0	3*l.* per Cent.	31 Dec. 1863.
18 Nov.	Ditto, ditto, so far as the same relates to the Ashton and Frodsham Road -	1,120	0	0	3*l.* per Cent.	31 Dec. 1863.
25 Nov.	2 Wm. 4. c. 97., "An Act for more effectually repairing and amending the Marlborough District of the Road from Swindon to Marlborough, and from Marlborough to Everley, in the County of Wilts, and also the Branch Road from the same to the present Turnpike Road from Andover to Devizes; and for making a Road from the said Branch Road at Collingbourn Ducis to join the present Turnpike Road from Andover to Salisbury in the said County" - - - 6 Wm. 4. c. 87., "An Act to vary and alter the Line of the Marlborough and Salisbury Road, and for making a Road from the same to Amesbury in the County of Wilts" -	3,290 1,100	0 0	0 0	2*l.* 10*s.* per Cent. 1*d.* per Cent.	24 June 1863 (certain Arrears extinguished).
3 Dec.	3 Geo. 4. c. 16., "An Act for continuing the Term and altering the Powers of Three Acts, for repairing the Roads leading from the Ryeway in the Parish of Yarpole in the County of Hereford to Presteigne in the County of Radnor, and several other Roads therein mentioned, in the said County of Radnor, and in the Counties of Hereford and Salop" -	1,800	0	0	4*l.* per Cent.	31 Oct. 1863.
7 Dec.	55 Geo. 3. c. 11., "An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from Dunchurch to Southam in the County of Warwick" -	1,610	0	0	2*l.* 10*s.* per Cent.	11 Oct. 1863 (certain Arrears extinguished).
9 Dec.	10 Geo. 4. c. 82., "An Act for more effectually repairing the Road from Brampton to Longtown in the County of Cumberland" - -	4,200	0	0	3*l.* per Cent.	11 Nov. 1862.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
		£ *s.* *d.*		
1863. 14 Dec.	11 Geo. 4. c. 82., “An Act for more effectually repairing and improving the Roads from Lewes through Offham to Witch Cross; from the Cliffe near Lewes through Uckfield to Witch Cross, and from the said Cliffe, through Ringmer, Heathfield, and Burwash, to Hurst Green, all in the County of Sussex,” so far as the same relates to the Ringmer and Hurst Green Road -	1,340 0 0 (Part of Debt.)	4*l.* per Cent.	1 July 1863.
18 Dec.	3 Geo. 4. c. 87., “An Act for more effectually amending, improving, and keeping in repair the Roads leading from certain Bridges over the River Wye, called Whitney Bridge and Bredwardine Bridge, in the County of Hereford, towards the Town of Hay in the County of Brecon” - - - -	2,102 18 5	3*l.* 10*s.* per Cent.	1 Jan. 1864.
30 Dec.	3 Wm. 4. c. 10., “An Act for more effectually repairing and improving the Roads from Ipswich to Helmingham and to Debenham, and from Hemingston to Otley Bottom, in the County of Suffolk” - -	4,350 0 0	3*l.* 10*s.* per Cent.	6 July 1863 (Arrears extinguished).
30 Dec.	3 Geo. 4. c. 41., “An Act for continuing the Term and altering, amending, and enlarging the Powers of several Acts for repairing the Roads therein mentioned, in the Counties of Denbigh and Flint, so far as relate to the Road from Ruthin in the County of Denbigh to Mold in the County of Flint” - -	2,311 2 11	2*l.* 10*s.* per Cent.	1 Nov. 1863 (Arrears extinguished).
1864. 19 Jan.	59 Geo. 3. c. 43., “An Act for continuing the Term and enlarging the Powers of Three Acts of the Reign of His late and present Majesty, for amending several Roads therein mentioned, so far as relate to the Road from Wrexham in the County of Denbigh to Pentre Bridge in the County of Flint, and for making a new Branch of Road from the said Road at a Place near Abermorddu to Mold in the said County of Flint” - -	2,094 0 0	4*l.* per Cent.	1 January 1864.
27 Jan.	7 & 8 Geo. 4. c. 67., “An Act for repairing the Road from Barton Waterside House to Riseham Hedge Corner, and other Roads in the County of Lincoln connected therewith” - - -	2,568 6 8	4*l.* per Cent.	10 Oct. 1863 (Arrears extinguished).

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.			Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1864.		£	*s.*	*d.*		
27 Jan.	9 Geo. 4. c. 85., "An Act for more "effectually repairing the Road from "the Town and Port of Sandwich "in the County of Kent to the "Towns of Margate and Ramsgate "in the Isle of Thanet in the said "County; and for reducing for a "limited Time the Tolls and Duties "payable at Sandwich Bridge" -	1,800	0	0	4*l.* per Cent.	25 Mar. 1863.
21 Mar.	6 Geo. 4. c. 148., "An Act for making "and maintaining a Turnpike Road "from the Town of Denbigh in the "County of Denbigh to Pentre "Voelas in the said County, and "from thence to Fynnon Eidda in "the County of Carnarvon" -	1,500	0	0	1*d.* per Cent.	31 Dec. 1863.
21 Mar.	2 Wm. 4. c. 74., "An Act for more "effectually repairing and improving "certain Roads leading to and "through the Town of Goudhurst "in the County of Kent" - -	2,100	0	0	3*l.* per Cent.	11 Oct. 1863 (Arrears extinguished).
24 Mar.	5 Geo. 4. c. 30., "An Act for repairing, "improving, and maintaining several "Roads leading to and from Cerne "Abbas in the County of Dorset" -	4,264	3	4	1*l.* 10*s.* per Cent.	29 Sept. 1863.
4 April	53 Geo. 3. c. 200., "An Act for enlarging the Term and Powers of an "Act of His present Majesty, for "repairing the Road from the "Market Place in Bicester in the "County of Oxford to the Buckingham Turnpike Road in Aynho in "the County of Northampton; and "for extending the Powers of the "said Act to an adjoining Branch of "Road" - - - -	2,115	0	0	4*l.* per Cent.	1 Jan. 1864.
6 April	2 Wm. 4. c. 18., "An Act for repairing "the Road leading out of the Bedford and Newport Pagnell Turnpike Road near Bromham Grange "in the County of Bedford to Olney "and other Places in the County of "Buckingham" - - -	2,230	0	0	3*l.* per Cent.	1 Jan. 1864 (Arrears extinguished).
25 April	2 Wm. 4. c. 32., "An Act for more "effectually repairing and improving "the Road leading from the Alfreton "Turnpike Road near Mansfield, "through Tibshelf and Morton, to "the Nottingham Turnpike Road "near Tansley, and other Roads "connected therewith, in the Counties of Nottingham and Derby" -	3,380	0	0	4*l.* per Cent.	1 Jan. 1864 (Arrears extinguished).

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.			Interest to be reduced to the following Rates per Annum.	Dates from which reduced Rate of Interest to commence.
		£	*s.*	*d.*		
1864. 25 April	6 Geo. 4. c. 7., "An Act for more effectually repairing the Roads from the "Turnpike Road upon Gatherley "Moor in the County of York to "Staindrop in the County of Durham, "and from the said Turnpike Road, "near Smallways, across the River "Tees, to Winston in the said County "of Durham" - - -	200 2,250	0 0	0 0	3*l.* per Cent.	11 Oct. 1863 (Arrears extinguished).
27 April	53 Geo. 3. c. 135., "An Act for continuing and amending Two Acts of "His present Majesty, for repairing "the Road from Shelton to Blakeley "Lane Head, and from Bucknall to "Weston Coyney, in the County of "Stafford; and also for altering and "repairing the Road from Adderley "Green to Lane End in the same "County" - - -	5,207	13	0	4*l.* per Cent.	31 Dec. 1862.
28 April	6 Geo. 4. c. 185., "An Act for making "and maintaining a Turnpike Road "from Doncaster, through Hatfield, "to Baln Croft Barn near Thorne, "with One Branch therefrom, in "the West Riding of the County of "York" - - - -	2,025	0	0	3*l.* per Cent.	1 Jan. 1864.

Turnpike Trusts Arrangements.

A

B I L L

To confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

(Prepared and brought in by
Mr. Baring and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1864.

[Bill 196.]

Under 2 oz.

29 *April* 1864. 27 Vict.

A

BILL

TO

Indemnify certain Persons from any penal Consequences which they may have incurred by sitting and voting as Members of the House of Commons while holding the Office of Under Secretary of State.

Preamble.

21 & 22 Vict. c. 106.

WHEREAS by an Act passed in the Session held in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, intituled "An Act for the better "Government of India," it is among other Things enacted, that after the Commencement of that Act any Four of Her Majesty's Principal Secretaries of State for the Time being, and any Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons; but not more than Four such Principal Secretaries and not more than Four such Under Secretaries shall sit as Members of the House of Commons at the same Time: And whereas on and previously to the Twenty-eighth day of April One thousand eight hundred and sixty-three, Austen Henry Layard, Esquire, Chichester Samuel Fortescue, Esquire (now the Right Honourable Chichester Samuel Fortescue), Henry Austin Bruce, Esquire (now the Right Honourable

Honourable Henry Austin Bruce), and Thomas George Baring, Esquire, being respectively Members of the House of Commons, were Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State; and on the said Twenty-eighth Day of April One thousand eight hundred and sixty-three, the Honourable Spencer Compton Cavendish (commonly called Marquis of Hartington), being a Member of the House of Commons, was also appointed to be One of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State: And whereas between the said Twenty-eighth Day of April One thousand eight hundred and sixty-three and the Eighteenth Day of April One thousand eight hundred and sixty-four (when the said Henry Austin Bruce resigned his said Office of Under Secretary), all the said Five Under Secretaries continued at the same Time to sit, and from Time to Time voted as Members of the House of Commons, whereby they or some or One of them may have incurred or may be in danger of incurring divers penal Consequences: And whereas such Infringement of the Provisions of the Act of Parliament aforesaid having occurred through Inadvertence, it is fit and proper that the said Austen Henry Layard, Chichester Samuel Fortescue, Henry Austin Bruce, Thomas George Baring, and Spencer Compton Cavendish (commonly called Marquis of Hartington) should be indemnified from all such penal Consequences of their said Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Under Secretaries indemnified;

1. That the said Austen Henry Layard, Chichester Samuel Fortescue, Henry Austin Bruce, Thomas George Baring, and Spencer Compton Cavendish (commonly called Marquis of Hartington) shall be and each and every of them is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities whatsoever (if any) incurred or to be incurred by them or any or either of them for or by reason of the aforesaid Infringement of the Provisions of the said Act of Parliament.

and may plead the General Issue on any Action or Suit already commenced.

2. In case any Action, Suit, Bill of Indictment, or Information shall have been or shall be brought, carried on, or prosecuted against the said Austen Henry Layard, Chichester Samuel Fortescue, Henry Austin Bruce, Thomas George Baring, and Spencer Compton Cavendish (commonly called Marquis of Hartington), or any or either of them, for or on account of any Penalty, Forfeiture, Incapacity, or Disability whatsoever incurred or to be incurred for or by reason of such Infringement of the said Act of Parliament as aforesaid, they or he may plead the General Issue, and upon their or his Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

Under Secretaries Indemnity.

A

B I L L

To indemnify certain Persons from any penal Consequences which they may have incurred by sitting and voting as Members of the House of Commons while holding the Office of Under Secretary of State.

(Prepared and brought in by
Mr. Attorney General, Viscount Palmerston, and
Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
29 *April* 1864.

[Bill 85.]

Under 1 *oz.*

A

BILL

TO

Repeal so much of the Act of Uniformity as relates to Fellows and Tutors in any College, Hall, or House of Learning.

Preamble.

WHEREAS by an Act passed in the Fourteenth Year of King Charles the Second, commonly called The Act of Uniformity, it was enacted, amongst other things, that all Fellows and Tutors of or in any College, Hall, or House of Learning who at any Time after a Day therein mentioned should have Possession of any Fellowship, or should instruct or teach any Youth as Tutor, should at or before their respective Admission to be Incumbent or have Possession aforesaid subscribe the Declaration or Acknowledgment following:

‘I A.B. do declare, That it is not lawful upon any Pretence whatsoever to take Arms against the King, and that I do abhor that traitorous Position of taking Arms by His Authority against His Person or against those commissionated by Him; and that I will conform to the Liturgy of the Church of England as it is now by Law established:’

And whereas by another Act passed in the First Session of Parliament of the First Year of King William and Queen Mary it was enacted, that so much of the said Declaration as is expressed in these Words:

> ' I A. B. declare, That it is not lawful upon any Pretence whatsoever ' to take Arms against the King, and that I do abhor that ' traitorous Position of taking Arms by His Authority against His ' Person, or against those commissioned by him,'

Should not from thenceforth be required and enjoined: And whereas it is expedient that so much of the said Declaration as remains unrepealed should not be required of any Fellow or Tutor of any College, Hall, or House of Learning: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Fellow or Tutor of any College, Hall, or House of Learning to be required to make Declaration.

1. That after the *passing of this Act* no Fellow or Tutor of any College, Hall, or House of Learning shall be required or enjoined to make or subscribe the said Declaration, nor shall any such Person suffer any Penalty or Forfeiture by reason of his not making or subscribing the same.

Uniformity Act Amendment.

A

BILL

To repeal so much of the Act of Uniformity as relates to Fellows and Tutors in any College, Hall, or House of Learning.

(Prepared and brought in by
Mr. Edward Pleydell Bouverie and
Mr. Pollard-Urquhart.)

Ordered, by The House of Commons, *to be Printed,*
8 *June* 1864.

[Bill 134.]

Under 1 *oz.*

28 *April* 1864. 27 Vict.

A

BILL

TO

Amend the Union Assessment Committee Act (1862).

Preamble.

WHEREAS it is expedient to amend the Union Assessment Committee Act, 1862, in regard to Appeals against Poor Rates, and to make further Provisions for securing correct and uniform Valuations of the Property liable to be assessed to the Relief of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Notice of Appeal to be given to the Assessment Committee.

1. Before any Appeal shall be heard against a Poor Rate made for any Parish contained in any Union to which the Union Assessment Committee Act, 1862, applies, the Complainants shall give *Twenty-one Days* Notice in Writing previous to the Special or Quarter Sessions to which such Appeal is to be made of the Intention to appeal, and the Grounds thereof, to the Assessment Committee of such Union.

Committee may, with Consent of Guardians, be Co-respondents.

2. The Assessment Committee of such Union may, with the Consent of the Guardians of such Union, after Notice shall have been sent to every Guardian, appear as Respondents to such Appeal in like Manner, and with the same Incidents, and subject to the same Liabilities, and entitled to the same Remedies and Rights as in the Case of Persons other than the Overseers to whom Notice of Appeal may be given.

Provision for Costs of Committee on Appeals.

3. The Costs which the Committee may incur in consequence of becoming Respondents to such Appeal, or of having received Notice thereof, shall, if not recovered from the Appellants, be paid by the Guardians and charged to the Common Fund of the Union, unless the Court before whom such Appeal is heard shall direct that such Costs, or any Part thereof, shall be charged to the Parish, the Rate of which is appealed against.

Expenses of Overseers incurred with Consent of Vestry or allowed by Assessment Committee may be charged on Poor Rates.

4. When the Overseers of any Parish incur any Expense in making out any Valuation List or Supplemental List, or in revising or valuing any of the rateable Hereditaments of such Parish, under the Provisions of the Union Assessment Committee Act, 1862, with the Consent of the Vestry given by express Resolution, after due Notice, they may charge such Expense, so far as the same may be authorized by the Vestry, upon the Poor Rate; and if no Vestry Meeting be held, then to the Extent which the Assessment Committee shall allow: Provided that, as regards the Valuation of the Property no Expense shall be so charged upon the Poor Rate unless the Consent of such Committee to the procuring of such Valuation by the Overseers shall have been given previously to the same being made.

Power to Guardians, with the Order of the Poor Law Board, to borrow Money for Valuation Expenses.

5. If the Assessment Committee order a Valuation, with the Consent of the Board of Guardians, to be made of all the rateable Hereditaments of any Parish, the Guardians of the Union may, if they think fit, apply to the Poor Law Board for an Order to enable them to borrow the requisite Amount to pay the Cost of such Valuation; and if the said Board shall issue their Order, the said Guardians may borrow the same and charge the Poor Rates of the several Parishes in the Union with the Repayment of the same by not more than Five equal annual Instalments; and where the Parish for which the Valuation is made shall, by reason of any Provision in the said Union Assessment Committee Act, or this Act, be liable to pay the Cost of such Valuation, the said Guardians shall charge the annual Instalments, and the Interest payable therewith, to such Parish, and may recover the same as and with the usual Contributions.

Penalty on Overseers omitting to make De-

6. Any Overseer who wilfully omits to make the Declaration required to be made by the said last-mentioned Act, or makes the same falsely, knowing the same to be untrue, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds* upon a summary Conviction for the same before Two Justices of the Peace.

claration or making false Declaration.

7. The Provisions of the Union Assessment Committee Act, 1862, shall, so far as the same are not contrary hereto, be incorporated herewith, and the Terms used herein shall be construed in like Manner as in that Act.

Incorporation of Act and Interpretation of Terms.

8. This Act may be cited as "The Union Assessment Committee Amendment Act, 1864."

Short Title.

Union Assessment Committee Act Amendment.

A

B I L L

To amend the Union Assessment Committee Act (1862).

(*Prepared and brought in by*
Mr. Villiers and Mr. Gilpin.)

Ordered, by The House of Commons, *to be Printed,*
28 *April* 1864.

[Bill 83.]

Under 1 *oz.*

589

15 *March* 1864. 27 VICT.

A

BILL

TO

Continue for a further Period certain Provisions of the Union Relief Aid Acts.

WHEREAS it is expedient that certain Provisions of the Union Relief Aid Acts, 1862 and 1863, should be further extended for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Preamble.

1. That all the Provisions of the said Acts (except such as authorize the Contributions of Unions and Parishes in the Counties of Lancaster, Chester, and Derby in aid of any other Union therein) shall be extended and apply to the Expenditure for the Quarter of the Year ending at *Lady Day* in this Year.

Certain Provisions of the Union Relief Aid Acts continued.

2. The Power of the Poor Law Board to issue any Order under this Act shall determine on the *First Day of July next.*

Limitation of the Power of the Poor Law Board.

3. That Acts referred to and this Act may be cited and described for all Purposes as "The Union Relief Aid Acts, 1862, 1863, 1864."

Title of the Acts.

Union Relief Aid Acts Continuance.

A

BILL

To continue for a further Period certain Provisions of the Union Relief Aid Acts.

(*Prepared and brought in by*
Mr. Villiers and Mr. Gilpin.)

Ordered, by The House of Commons, *to be Printed,*
15 *March* 1864.

[Bill 50.]

Under 1 *oz.*

A

B I L L

FOR

Amending the Law relating to Seats in the House of Commons of Persons holding certain Public Offices.

Preamble.
21 & 22 Vict. c. 106. s. 4.

WHEREAS by the Act of the Session of the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter One hundred and six, it is provided that after the Commencement of that Act any Four of Her Majesty's Principal Secretaries of State for the Time being, and any Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State, may sit and vote as Members of the House of Commons, but no more than Four such Principal Secretaries and not more than Four such Under Secretaries shall sit as Members of the House of Commons at the same Time: And whereas it is expedient to explain and amend the said Act: And whereas similar Provisions are or may be contained in other Acts now in force or to be hereafter passed with respect to Persons holding other Offices, and it is expedient that the same Rules shall be established for all such Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provision in case of Person accepting Office of Under Secretary when Four Under Secretaries are sitting in the House of Commons.

1. If at any Time when Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State are Members of the House of Commons, any other Person, being a Member of that House, accepts the Office of Under Secretary of State to any of the said Principal Secretaries, the Election of such Person shall be and the same is hereby declared to be void, and a Writ shall be issued for a new Election.

A Member whose Election is so declared to be void (and also any Person who, not being a Member, accepts the Office of Under Secretary to One of Her Majesty's Principal Secretaries of State when Four other Under Secretaries are Members of the House of Commons,) shall be incapable of being elected or sitting as a Member of the House of Commons during such Time as he holds the Office of Under Secretary, and Four other Under Secretaries are Members of the House of Commons, but not for any further or longer Period.

Provision in case of more Secretaries or Under Secretaries of State being chosen at a General Election than are capable of sitting.

2. If at any General Election there are returned as Members to serve in Parliament a greater Number of Persons holding the Office of Principal Secretary of State or the Office of Under Secretary of State than are permitted by Act of Parliament to sit and vote in the House of Commons, the Election of such Persons shall not be invalidated by reason of such Excess; but no One of such Persons shall be capable of sitting or voting in the House of Commons until the Number of Persons returned as Members and holding the same Office as himself is reduced by Death, Resignation, or otherwise to the Number permitted by Law to sit in the House of Commons.

If any Person sits or votes in the House of Commons in contravention of this Section he shall be liable to a Penalty not exceeding *Five hundred Pounds* for each Day during which he so sits or votes.

Provision in case of other Offices.

3. In all Cases in which by any Act now in force, or to be hereafter passed, any Limit is or shall be imposed upon the Number of Persons holding any other Office who may at the same Time sit or vote as Members of the House of Commons, the Rules established by this Act with reference to Persons holding the Office of Under Secretary of State shall be applied in the same Manner as if such other Office had been expressly mentioned in this Act, unless special Provision shall be made to the contrary.

Saving Clause as to Members elected previously to passing of Act.

4. No Election of any Member of the House of Commons elected previously to the *passing of this Act* shall be deemed to have become void by reason only of any Excess which may have occurred, previously to the passing of this Act, in the Number of Members of the said House holding the same Office for the Time being beyond the Number limited by Law.

Vacating of Seats
(House of Commons).

A

B I L L

For amending the Law relating to Seats in the House of Commons of Persons holding certain Public Offices.

(Prepared and brought in by
Sir George Grey and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed*
12 *May* 1864.

[Bill 107.]

Under 1 *oz.*

Valuation of Rateable Property (Ireland).

A

BILL

TO

Amend the Law relating to the Valuation of Rateable Property in Ireland.

Preamble.

WHEREAS it is expedient to amend the Law relating to the Valuation of Rateable Property in Ireland in the Manner herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same.

Persons aggrieved may appeal from revised Valuation in the same Manner as Owners and Occupiers.

Any Person aggrieved by any Revision of the Valuation of any Tenement or Tenements made by the Commissioners of Valuation in pursuance of the Fifteenth and Sixteenth Victoria, Chapter Sixty-three, Section Thirty, shall have the same Powers of Appeal from the said Valuation to the Commissioner of Valuation and to the Quarter Sessions as the Owners and Occupiers of such Tenements now have to such revised Valuation, and such Appeal shall be subject to the same Conditions and Provisions and exercised in the same Manner as is provided for in regard to Appeals by the said Owners and Occupiers: Provided always, that no such Appeal shall affect any Rate that shall be struck before and pending such Appeal.

Valuation of Rateable Property (Ireland).

A

BILL

To amend the Law relating to the Valuation of Rateable Property in Ireland.

(Prepared and brought in by
Mr. Gregory and Sir Colman O'Loghlen.)

Ordered, by The House of Commons, *to be Printed,*
9 *May* 1864.

[Bill 102.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Valuation of Rateable Property in Ireland.

Preamble.

WHEREAS it is expedient to amend the Law relating to the Valuation of Rateable Property in Ireland in the Manner herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

CLAUSE A. Boards of Guardians may appeal from the revised Valuation of any Tenement in their Union.

1. From the revised Valuation of any Tenement in any Poor Law Union in Ireland, made by the Commissioner of Valuation at any annual Revision, in pursuance of the Laws in force for the Valuation of rateable Property in Ireland, the Board of Guardians of the Union in which such Tenement shall be situate shall have the same Power of Appeal to the Commissioner of Valuation, and to the Quarter Sessions, as the Owner or Occupier of such Tenement now has, and such Appeal shall be subject to the same Conditions and Provisions, and exercised in the same Manner, as is provided for in respect to Appeals of the said Owners or Occupiers, save so far as the same are herein-after altered or amended.

CLAUSE B. Notice of such Appeal to be given to the Occupier of the Tenement.

2. When the Board of Guardians of any Union shall be the Party appealing from the revised Valuation of any Tenement as aforesaid, the Clerk of the said Board shall send by Post or cause to be delivered to the Occupier or Occupiers of the Tenement in respect of the Valuation of which the Appeal is made a Notice similar in all respects to that now by Law required to be sent or delivered to the Board of Guardians by the Owner or Occupier of any Tenement who may appeal from the revised Valuation thereof, and such Notice shall be signed by such Clerk, and a Copy thereof shall be sent by such Clerk to the Commissioner of Valuation at the Office in Dublin of the General Valuation of Ireland.

CLAUSE C. Occupiers to be Respondents, and may get Costs. Board of Guardians not to get Costs.

3. In any Appeal to the Quarter Sessions of any Board of Guardians in respect to such revised Valuation, the Occupier or Occupiers of the Tenement in respect of the Valuation of which such Appeal is made shall be joined as Respondents in such Appeal together with the Commissioner of Valuation; and in case the Board of Guardians shall fail on the Hearing of such Appeal, the Court of Quarter Sessions may, if they shall so think fit, award to the Respondents or any of them such Costs as they may deem reasonable, not exceeding in the whole the Sum of Ten Pounds, for their Costs of such Appeal, and the Sum so awarded shall be forthwith paid to the said Respondents by such Board of Guardians; and in no Case shall the Board of Guardians be entitled as against the Respondents to the Costs of such Appeal.

CLAUSE D. Board of Guardians need not enter into Recognisance, and Appeal not to affect a pending Rate.

4. It shall not be necessary for any Board of Guardians appealing to Quarter Sessions against the revised Valuation of any Tenement to enter into any Recognisance conditioned for the due Presentation of such Appeal or for any other Purpose; and no Appeal by any Board of Guardians shall affect any Rate that may be struck before or pending such Appeal.

Valuation of Rateable Property (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the Valuation of Rateable Property in Ireland.

(Prepared and brought in by
Mr. Gregory and Sir Colman O'Loghlen.)

Ordered, by The House of Commons, *to be Printed,*
9 *June* 1864.

[Bill 141.]

Under 1 *oz.*

12 *February* 1864. 27 VICT.

A

B I L L

FOR

The Abolition of Vestry Cess in Ireland, and for other Purposes relating thereto.

WHEREAS it is expedient to abolish Vestry Cess in Ireland, and to make other Provisions in relation thereto: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. From and after the *passing of this Act* it shall not be lawful for any Vestry called or holden in or for any Parish, Union, Chapelry, or Place in Ireland to make or levy any compulsory Rate or Assessment for any Purpose whatsoever.

No Vestry in Ireland to levy Rate after Commencement of Act.

2. From and after the *passing of this Act* it shall not be lawful for any Vestry in Ireland to appoint Overseers of deserted Children; and all other Powers now exercised by Vestries with respect to the Charge, Maintenance, and Education of deserted Children shall wholly cease and determine.

Powers of Vestry with respect to deserted Children to cease.

3. From and after the *passing of this Act* the several Acts in force for the Relief of the destitute Poor in Ireland shall be

The Acts for Relief of Destitute

Poor in Ireland to apply to destitute deserted Children.

and are hereby declared to be applicable to all Cases of destitute deserted Children which are now relieved or relievable under the Acts relating to Parish Vestries, or under the Grand Jury Act, or any other Act for the Relief of deserted Children.

Guardians of Poor of Union, &c. to provide Coffins for Interment of poor Persons dying in such Union.

4. From and after the *passing of this Act* it shall be lawful for the Guardians of the Poor of each Union in Ireland, and for the Relieving Officers, subject to the Direction of the Guardians, and to any Rule which the Commissioners for administering the Laws for the Relief of the Poor in Ireland may make in that Behalf, to provide Coffins for the Interment of Poor Persons dying within such Union, although such Persons may not, at the Time of their Death, have been in receipt of Relief or dependent for Support on any Person receiving such Relief, and to charge the same on the Rates of the Union.

Every Vestry Clerk, Cess Collector, Beadle, Engine Keeper, &c., deprived of any Salary or Emolument by this Act compensated.

5. Every Vestry Clerk, Cess Collector, Beadle, Engine Keeper, and other Officer of any Parish in the City of Dublin who shall be deprived of any Salary, Fees, or Emoluments by the Operation of this Act, shall be entitled to have an adequate Compensation, by way of a Sum of Money in gross, or Annuity, at the Option of and to be assessed by the Town Council of Dublin, regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, Length of Service, and all other Circumstances of the Case; and every Person entitled to such Compensation shall, within *Three Months* from the *passing of this Act*, unless in the meantime an Agreement shall have been come to between him and the said Town Council as to the Amount of such Compensation, deliver to the Town Clerk a Statement under his Hand setting forth how long he shall have held his said Office, and the Amount received by him and his Predecessor in Office every Year during the Period of *Five Years* then last past, or such lesser Period as he shall have held his said Office next before the passing of this Act, on account of Salary, Fees, and Emoluments, and containing a Declaration that same is a true Statement, and also setting forth the Sum claimed by him as such Compensation; and the said Town Clerk shall lay such Statement before the Council, who shall take the Same into consideration and determine thereon; and if the Council shall not determine on such Claim within *Six Months* after the same shall have been delivered to the Town Clerk, such Claim shall be considered as admitted; and if the Council shall so require, the Person preferring such Claim, upon receiving Notice in Writing signed by the Town Clerk, shall attend at any Meeting of the said Council or any Committee thereof, and shall then and there answer all such Questions as shall be asked by any Member of the said Council or Committee touching the said Claim, and shall produce all Vouchers, Books, and Papers in his Possession, Custody, or Power relating thereto; and the Collector General of Rates for the City of Dublin shall from Time to Time pay out of "The Improvement Rate" to every such Person the Money or Annuity so agreed upon or awarded as Compensation, and shall include the same in his annual Estimate, and take credit for the same in his Account.

6. From and after the *passing of this Act* the several Acts and Parts of Acts in the Schedule hereunto contained shall be repealed, save so far as may be necessary for supporting or continuing any Proceedings had thereunder before the passing of this Act.

Repeal of Acts.

SCHEDULE to which the foregoing Act refers.

6 Geo. 1. (I.) c. 15. sections 8 and 9.
11 & 12 Geo. 2. (I.) c. 15.
13 & 14 Geo. 3. (I.) c. 24.
3 Geo. 4. c. 35. section 4.
7 Geo. 4. c. 72. sections 10 and 51.
6 & 7 Wm. 4. c. 116. section 109.
7 & 8 Vict. c. 106. section 44.

Vestry Cess Abolition (Ireland).

A

B I L L

For the Abolition of Vestry Cess in Ireland, and for other Purposes relating thereto.

(Prepared and brought in by
Sir Robert Peel, and Mr. Attorney General
for Ireland.)

Ordered, by The House of Commons, *to be Printed,*
12 *February* 1864.

[Bill 15.]

Under 1 *oz.*

Warehousing of British Spirits Bill.

ARRANGEMENT OF CLAUSES.

British Spirits in Duty-free Warehouse may be removed to a separate Room to be bottled for Exportation or Ships Stores; Sect. 1.

How Spirits shall be bottled and packed; 2.

Bottled Spirits to be removed to Ship or Customs Warehouse in the same Manner as Spirits in Casks; 3.

Separate Room to be provided for racking Duty-paid Spirits; 4.

Allowance upon the Deficiency arising from the vatting of Spirits in Warehouse increased to One per Cent.; 5.

Duty to be paid on Quantity of Spirits actually delivered from Warehouse, where no fraudulent or improper Deficiency; 6.

When any Deficiency beyond natural Waste is found in Spirits in Warehouse, the Duty on the Quantity originally warehoused to be paid immediately; 7.

Spirits fraudulently concealed or abstracted or removed from Warehouse to be forfeited, and Distiller or Proprietor of Warehouse to forfeit Two hundred Pounds; 8.

Distiller or Proprietor of Spirits or Warehouse opening or gaining Access to Warehouse, except in Presence of an Officer, to forfeit Five hundred Pounds; 9.

British Spirits may be removed from Excise to Customs Warehouse, and may be delivered from Customs Warehouse for Home Consumption; 10.

Powers and Provisions of Customs Acts to be applied to British Spirits warehoused in Customs Warehouses under this Act; 11.

Bonds to be given in Form approved by Commissioners; 12.

Penalties to be recovered as other Excise Penalties; 13.

Repeal of Sections 132, 133, 134, and 147 of the Act 23 & 24 Vict. c. 114.; 14.

15 *February* 1864. 27 Vict.

A

BILL

TO

Amend the Laws relating to the warehousing of British Spirits.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows;

British Spirits in Duty-free Warehouse may be removed to a separate Room to be bottled for Exportation or Ships Stores;

1. Any plain British Spirits deposited in an Excise Warehouse without Payment of Duty may be removed by the Distiller or Proprietor of such Spirits, on giving *Twenty-four Hours* previous Notice to the Officer of Excise, to a special and secure Building, Room, or Place to be provided by the Distiller or the Proprietor of such Warehouse, and to be approved by the Commissioners of Inland Revenue; and such Spirits may be there bottled and packed for Exportation or for Use as Ships Stores in the Manner herein-after directed, and under such Regulations and during such Hours as the said Commissioners shall appoint in that Behalf: Provided always, that such Building, Room, or Place shall be adjacent to but shall have no internal Communication with the said Warehouse, and shall not be situate in the same Court or Yard, or have any Communication with the Premises of a Rectifier, Dealer in or Retailer of Spirits; and provided also, that the Distiller or Pro-

prietor of the said Warehouse shall give Security by Bond for such Building, Room, or Place.

How Spirits shall be bottled and packed.

2. Such Spirits, after Removal as aforesaid, shall be drawn off into Imperial or reputed Quart or Pint Bottles, and shall be packed in Cases, each Case to contain any Number of Dozens of Bottles, but not less than *One Dozen* Quarts or *Two Dozen* Pints; and all such Cases shall be fastened and secured, and shall be legibly painted or branded with such Particulars and Marks as the said Commissioners shall direct; and if any Deficiency shall be found at any Time in the Quantity of Spirits belonging to such Distiller or Proprietor exceeding *Two per Centum* upon the Quantity which he shall have removed into the said Building, Room, or Place, he shall be charged with the Duty upon such Deficiency at the Rate payable upon British Spirits.

Bottled Spirits to be removed to Ship or Customs Warehouse in the same Manner as Spirits in Casks.

3. Spirits, when bottled and packed in the Manner directed by this Act, may be removed, without Payment of Duty, to a Ship, or to a Customs Warehouse, for Exportation or Use as Ships Stores, under the like Security and subject to the like Conditions as in the Case of Spirits in Casks delivered out of Warehouse for the like Purpose.

Separate Room to be provided for racking Duty-paid Spirits.

4. The Commissioners of Inland Revenue may require a separate Room, secured to their Satisfaction, to be provided by a Distiller or Proprietor of an Excise Warehouse for the racking of Spirits upon which the Duty has been paid; and the Officer of Excise shall keep an Account of all Spirits belonging to such Distiller or Proprietor of Spirits which shall be received into such Room and lawfully sent out therefrom; and if upon taking an Account of the Stock of such Spirits at any Time, a greater Quantity of Spirits shall be found in such Room than, according to the said Account, ought to remain therein, the Excess shall be charged with Duty, and if such Excess shall amount to more than *One per Centum* on the Quantity of Spirits which shall have been brought in since the last preceding Account taken of the Stock of Spirits of such Distiller or Proprietor of Spirits in such Room as aforesaid, such Excess shall be forfeited, and the Distiller or Proprietor of such Spirits shall forfeit the Sum of *Twenty Shillings* for every Gallon of such Excess.

Allowance upon the Deficiency arising from the vatting of Spirits in Warehouse increased to One per Cent.

5. In lieu of the Allowance of One Half per Centum allowed by Section One hundred and nineteen of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, in the Case of any Deficiency which shall occur during the Operation of vatting, blending, or racking of Spirits in Warehouse, an Allowance not exceeding *One per Centum* shall be made.

6. On

Duty to be paid on Quantity of Spirits actually delivered from Warehouse, where no fraudulent or improper Deficiency.

6. On the Delivery of any Cask or Package of Spirits from the Excise Warehouse in which the same shall have been deposited without Payment of Duty, the proper Duties shall be charged and paid upon the Quantity of Spirits actually found in such Cask or Package at the Time of the Delivery thereof by Weight, Measure, or Gauge, as the Commissioners of Inland Revenue may direct; provided that if the Quantity of Spirits contained in such Cask or Package shall be found by Weight, Measure, or Gauge to be less than the Quantity contained therein when the same were deposited in the said Warehouse, and if the said Commissioners shall not be satisfied that such Deficiency has not been caused in the whole or in part by any fraudulent Abstraction, or by Want of proper Care in the stowing or keeping of the Spirits, then the Duty shall be charged and paid upon the whole Quantity of Spirits contained in such Cask or Package at the Time when the same was deposited in the Warehouse according to the Account then taken thereof, or upon such Portion thereof as the said Commissioners shall think fit.

When any Deficiency beyond natural Waste is found in Spirits in Warehouse, the Duty on the Quantity originally warehoused to be paid immediately:

7. If any Officer of Excise shall at any Time find a greater Deficiency (whether calculated by Weight, Measure, or Gauge) in the Quantity of Spirits which should be contained in any Cask or Package deposited in any Excise Warehouse without Payment of Duty, than can be accounted for by natural Waste or other legitimate Cause, the Commissioners of Inland Revenue may require immediate Payment of the Duty on the Quantity of Spirits originally warehoused in such Cask or Package; and if such Duty be not paid by the Distiller or Proprietor of such Spirits in whose Name the said Cask or Package shall be warehoused, on Demand made in Writing by any Officer of Excise, the said Distiller or Proprietor shall forfeit *double* the Value of the said Duties; and no Spirits which may be deposited in any such Warehouse as aforesaid in the Name of such Distiller or Proprietor shall be transferred to any other Person or delivered out of such Warehouse until such Distiller or Proprietor shall have paid the Amount of such Duties or Forfeiture as aforesaid.

Spirits fraudulently concealed or abstracted or removed from Warehouse to be forfeited, and Distiller or Proprietor of Warehouse to forfeit 200*l.*

8. If any Spirits shall be fraudulently concealed in or removed from the Excise Warehouse in which the same shall have been deposited without Payment of Duty, or if any Spirits shall be abstracted from any Cask or Package which shall be deposited in any such Warehouse, all such Spirits, and all Spirits with which the same may be put or mixed, and all Spirits remaining in such Cask or Package, together with the said Cask or Package, shall be forfeited, and the Distiller, or the Proprietor or Tenant of the

Warehouse (if such Concealment or Abstraction shall have taken place in, or such Removal have been made from, any General Warehouse), shall forfeit the Sum of *Two hundred Pounds.*

Distiller or Proprietor of Spirits or Warehouse opening or gaining Access to Warehouse, except in Presence of an Officer, to forfeit 500*l.*

9. If any Distiller or Proprietor of Spirits, or any Proprietor or Tenant of any Excise Warehouse used for the Deposit of Spirits without Payment of Duty, or if any Person or Persons in the Employ of any Distiller or Proprietor of Spirits or Proprietor or Tenant of such Warehouse, shall open or gain access to any Excise Warehouse used for the Deposit of Spirits without Payment of Duty, except in the Presence of an Officer of Excise acting in the Execution of his Duty as such Officer, or shall abstract any Spirits from any Cask or Package therein, the Distiller or Proprietor of Spirits, or Proprietor or Tenant of the Warehouse as aforesaid, who, by himself, or by any Person in his Employ, shall commit any such Offence as aforesaid, shall forfeit the Sum of *Five hundred Pounds.*

British Spirits may be removed from Excise to Customs Warehouse, and may be delivered from Customs Warehouse for Home Consumption.

10. Any plain British Spirits to which no sweetening or other Matter which shall alter the Strength thereof has been added may, with the Consent of the Commissioners of Customs and Inland Revenue, and upon Security by Bond being given, and under such Regulations as the said Commissioners respectively may from Time to Time make in that Behalf, be removed from any Excise Warehouse to, and be deposited without Payment of any Duty in, any Customs Warehouse which shall be situate in Premises separate and distinct from any other Premises in which Duty-paid Spirits or Wine are kept; and any such Spirits so deposited may, with the like Consent, and upon the like Security, and under such Regulations as aforesaid, be removed to any other Customs Warehouse situate as aforesaid, or to any General Excise Warehouse; and such Spirits may be delivered for Home Consumption from any Customs Warehouse in which the same shall be deposited, upon Payment of the proper Excise Duties thereon, and the said Duties shall be collected by the Officers of Customs under the Direction of the said Commissioners of Customs, who shall cause a separate Account to be kept, and to be furnished to the said Commissioners of Inland Revenue, of all such Duties collected and received; and the Amount thereof shall from Time to Time be paid over to the Account of the Receiver General of Inland Revenue at the Bank of England, and shall be dealt with and applied in the same Manner as other Monies arising from Duties of Excise.

Powers and Provisions of Customs Acts to be applied to

11. All the Powers, Provisions, Clauses, Regulations, Pains, and Penalties contained in or imposed by any Act or Acts relating to the Customs, as to the Warehousing, Custody, and Delivery out of Warehouse, British Spirits warehoused in Customs Warehouses under this Act.

Warehouse, whether for Exportation, for Use as Ships Stores, or for Home Consumption, of Goods liable to a Duty of Customs, and as to any Deficiencies therein or Allowances thereon, so far as the same respectively are or shall be applicable, in all Cases not hereby expressly provided for, and so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, shall be observed, applied, enforced, and put in execution with reference to any British Spirits deposited in any Warehouse of Customs under the Provisions of this Act, and to the Proprietors or Owners of such Spirits.

Bonds to be given in Form approved by Commissioners.

12. Any Bond or Security required to be given by or under the Authority of this Act shall be entered into to Her Majesty, with One or more sufficient Surety or Sureties, and in such Amount and with such Conditions as the Commissioners of Customs or Inland Revenue respectively shall direct and approve.

Penalties to be recovered as other Excise Penalties.

13. The Penalties and Forfeitures imposed by this Act shall be sued for, recovered, levied, mitigated, and applied by the same Ways, Means, and Methods, and in like Manner, as Penalties and Forfeitures may be sued for, recovered, levied, mitigated, and applied under the Laws of Excise in that Behalf.

Repeal of Sections 132, 133, 134, and 147 of the Act 23 & 24 Vict. c. 114.

14. Sections 132, 133, 134, and 147 of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, shall be and the same are herereby repealed, except as to anything done or which ought to be done, or as to any Offence committed, or any Penalty or Forfeiture incurred before the Commencement of this Act.

Warehousing of British Spirits.

A

BILL

To amend the Laws relating to the warehousing of British Spirits.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer, Mr. Peel, and
Sir William Dunbar.)

Ordered, by The House of Commons, *to be Printed*,
15 *February* 1864.

[Bill 19.]

Under 1 *oz.*

Warehousing of British Spirits Bill.

[AS AMENDED IN COMMITTEE]

ARRANGEMENT OF CLAUSES.

British Spirits in Duty-free Warehouse may be removed to a separate Room to be bottled for Exportation or Ships Stores; Sect. 1.

How Spirits shall be bottled and packed; 2.

Bottled Spirits to be removed to Ship or Customs Warehouse in the same Manner as Spirits in Casks; 3.

Clause A.—Distiller may reduce Spirits with Water in a Warehouse specially approved for that Purpose to any Strength at which he might lawfully send the same out of his Stock; 4.

Separate Room to be provided for racking Duty-paid Spirits; 5.

Allowance upon the Deficiency arising from the vatting of Spirits in Warehouse increased to One per Cent.; 6.

Duty to be paid on Quantity of Spirits actually delivered from Warehouse, where no fraudulent or improper Deficiency; 7.

When any Deficiency beyond natural Waste is found in Spirits in Warehouse, the Duty on the Quantity originally warehoused to be paid immediately; 8.

Spirits fraudulently concealed or abstracted or removed from Warehouse to be forfeited, and Distiller or Proprietor of Warehouse to forfeit Two hundred Pounds; 9.

Distiller or Proprietor of Spirits or Warehouse opening or gaining Access to Warehouse, except in Presence of an Officer, to forfeit Five hundred Pounds; 10.

British Spirits may be removed from Excise to Customs Warehouse, and may be delivered from Customs Warehouse for Home Consumption; 11.

Clause B.—Allowance of Twopence per Gallon on British Spirits deposited in Customs Warehouse not to be paid until Spirits actually exported; 12.

Powers and Provisions of Customs Acts to be applied to British Spirits warehoused in Customs Warehouses under this Act; 13.

Bonds to be given in Form approved by Commissioners; 14.

Penalties to be recovered as other Excise Penalties; 15.

Repeal of Sections 129, 132, 133, 134, and 147 of the Act 23 & 24 Vict. c. 114.; 16.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws relating to the warehousing of British Spirits.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

British Spirits in Duty-free Warehouse may be removed to a separate Room to be bottled for Exportation or Ships Stores.

1. Any plain British Spirits deposited in an Excise Warehouse without Payment of Duty may be removed by the Distiller or Proprietor of such Spirits, on giving Twenty-four Hours previous Notice to the Officer of Excise, to a special and secure Building, Room, or Place to be provided by the Distiller or the Proprietor of such Warehouse, and to be approved by the Commissioners of Inland Revenue; and such Spirits may be there bottled and packed for Exportation or for Use as Ships Stores in the Manner herein-after directed, and under such Regulations and during such Hours as the said Commissioners shall appoint in that Behalf: Provided always, that such Building, Room, or Place shall be adjacent to but shall have no internal Communication with the said Warehouse, and shall not be situate in the same Court or Yard, or have any Communication with the Premises of a Rectifier, Dealer in or Retailer of Spirits; and provided also, that the Distiller or Proprietor of the said Warehouse shall give Security by Bond for such Building, Room, or Place.

How Spirits shall be bottled and packed.

2. Such Spirits, after Removal as aforesaid, shall be drawn off into Imperial or reputed Quart or Pint Bottles, and shall be packed in Cases, each Case to contain any Number of Dozens of Bottles, but not less than One Dozen Quarts or Two Dozen Pints; and all such Cases shall be fastened and secured, and shall be legibly painted or branded with such Particulars and Marks as the said Commissioners shall direct; and if any Deficiency shall be found at any Time in the Quantity of Spirits belonging to such Distiller or Proprietor exceeding Two per Centum upon the Quantity which he shall have removed into the said Building, Room, or Place, since the last Account was taken, he shall be charged with the Duty upon so much of such Deficiency as shall exceed the said Rate of Two per Centum on the Quantity last aforesaid.

Bottled Spirits to be removed to Ship or Customs Warehouse in the same Manner as Spirits in Casks.

3. Spirits, when bottled and packed in the Manner directed by this Act, may be removed, without Payment of Duty, to a Ship, or to a Customs Warehouse, for Exportation or Use as Ships Stores, under the like Security and subject to the like Conditions as in the Case of Spirits in Casks delivered out of Warehouse for the like Purpose.

CLAUSE A. Distiller may reduce Spirits with Water in a Warehouse specially approved for that Purpose to any Strength at which he might lawfully send the same out of his Stock.

4. Any plain British Spirits of a Strength not less than Forty-three per Centum above Proof deposited in the Name of a Distiller in an Excise Warehouse without Payment of Duty may be removed by such Distiller without Payment of Duty to a General Warehouse to be provided and secured, and under the like Bond, as any other General Warehouse for the Deposit of British Spirits without Payment of Duty under the Laws of Excise, and to be specially appointed or approved by the Commissioners of Inland Revenue for the Purpose of receiving Spirits to be mixed with Water; and such Spirits when deposited in such last-mentioned Warehouse may, under such Regulations as the said Commissioners shall make in that Behalf, be mixed with Water in a Vat or Vats to be provided by the Distiller, and constructed to the Satisfaction of the said Commissioners, and may be reduced therein to any Strength at which Spirits are allowed by the One hundredth Section of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, to be sent out of or removed from a Distillery or the Stock of a Distiller: Provided always, that the Water to be used in reducing the Strength of such Spirits shall be supplied only through a Service Pipe which shall pass through a Meter placed in the said last-mentioned Warehouse, such Pipe and Meter to be constructed, laid down, and fixed to the Satisfaction of the said Commissioners, who are hereby authorized to require when they shall think it necessary any Change or Alteration to be made therein, or in the laying down or fixing of the same respectively.

Separate Room to be provided for racking Duty-paid Spirits.

5. The Commissioners of Inland Revenue may require a separate Room, secured to their Satisfaction, to be provided by a Distiller or Proprietor of an Excise Warehouse for the racking of Spirits upon which the Duty has been paid; and the Officer of Excise shall keep an Account, at Hydrometer Proof, of all Spirits belonging to such Distiller or Proprietor of Spirits which shall be received into such Room and lawfully sent out therefrom; and if upon taking an Account of the Stock of such Spirits at any Time, a greater Quantity of Spirits shall be found in such Room than, according to the said Account, ought to remain therein, the Excess shall be charged with Duty, and if such Excess shall amount to more than One per Centum on the Quantity of Spirits which shall have been brought in since the last preceding Account taken of the Stock of Spirits of such Distiller or Proprietor of Spirits in such Room as aforesaid, such Excess shall be forfeited, and the Distiller or Proprietor of such Spirits shall forfeit the Sum of Twenty Shillings for every Gallon of such Excess.

Allowance upon the Deficiency arising from the vatting of Spirits in Warehouse increased to One per Cent.

6. In lieu of the Allowance of One Half per Centum allowed by Section One hundred and nineteen of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, in the Case of any Deficiency which shall occur during the Operation of vatting, blending, or racking of Spirits in Warehouse, an Allowance not exceeding One per Centum shall be made in the Case of any such Deficiency, and the same Allowance shall be made in the Case of any Deficiency which shall occur during the mixing with Water and racking of any Spirits reduced under the Provisions of this Act.

Duty to be paid on Quantity of Spirits actually delivered from Warehouse, where no fraudulent or improper Deficiency.

7. On the Delivery of any Cask or Package of Spirits from the Excise Warehouse in which the same shall have been deposited without Payment of Duty, the proper Duties shall be charged and paid upon the Quantity of Spirits actually found in such Cask or Package at the Time of the Delivery thereof by Weight, Measure, or Gauge, as the Commissioners of Inland Revenue may direct; provided that if the Quantity of Spirits contained in such Cask or Package shall be found by Weight, Measure, or Gauge to be less than the Quantity contained therein when the same was deposited in the said Warehouse, and if the said Commissioners shall not be satisfied that such Deficiency has not been caused in the whole or in part by any fraudulent Abstraction, then the Duty shall be charged and paid upon the whole Quantity of Spirits contained in such Cask or Package at the Time when the same was deposited in the Warehouse according to the Account then taken thereof, or upon such Portion thereof as the said Commissioners shall think fit.

When any Deficiency beyond natural Waste is found in Spirits in Warehouse, the Duty on the Quantity originally warehoused to be paid immediately.

8. If any Officer of Excise shall at any Time find a greater Deficiency (whether calculated by Weight, Measure, or Gauge) in the Quantity of Spirits which should be contained in any Cask or Package deposited in any Excise Warehouse without Payment of Duty, than can be accounted for by natural Waste or other legitimate Cause, the Commissioners of Inland Revenue may require immediate Payment of the Duty on the Quantity of Spirits originally warehoused in such Cask or Package; and if such Duty be not paid by the Distiller or Proprietor of such Spirits in whose Name the said Cask or Package shall be warehoused, on Demand made in Writing by any Officer of Excise, the said Distiller or Proprietor shall forfeit double the Value of the said Duties; and no Spirits which may be deposited in any such Warehouse as aforesaid in the Name of such Distiller or Proprietor shall be transferred to any other Person or delivered out of such Warehouse until such Distiller or Proprietor shall have paid the Amount of such Duties or Forfeiture as aforesaid.

Spirits fraudulently concealed or abstracted or removed from Warehouse to be forfeited, and Distiller or Proprietor of Warehouse to forfeit 200*l.*

9. If any Spirits shall be fraudulently concealed in or removed from the Excise Warehouse in which the same shall have been deposited without Payment of Duty, or if any Spirits shall be abstracted from any Cask or Package which shall be deposited in any such Warehouse, all such Spirits, and all Spirits with which the same may be put or mixed, and all Spirits remaining in such Cask or Package, together with the said Cask or Package, shall be forfeited, and the Distiller, or the Proprietor or Tenant of the Warehouse (if such Concealment or Abstraction shall have taken place in, or such Removal have been made from, any General Warehouse), shall forfeit the Sum of Two hundred Pounds.

Distiller or Proprietor of Spirits or Warehouse opening or gaining Access to Warehouse, except in Presence of an Officer, to forfeit 500*l.*

10. If any Distiller or Proprietor of Spirits, or any Proprietor or Tenant of any Excise Warehouse used for the Deposit of Spirits without Payment of Duty, or if any Person or Persons in the Employ of any Distiller or Proprietor of Spirits or Proprietor or Tenant of such Warehouse, shall open or gain access to any Excise Warehouse used for the Deposit of Spirits without Payment of Duty, except in the Presence of an Officer of Excise acting in the Execution of his Duty as such Officer, or shall abstract any Spirits from any Cask or Package therein, the Distiller or Proprietor of Spirits, or Proprietor or Tenant of the Warehouse as aforesaid, who, by himself, or by any Person in his Employ, shall commit any such Offence as aforesaid, shall forfeit the Sum of Five hundred Pounds.

British Spirits may be removed from Excise to Customs Warehouse, and may be delivered from Customs Warehouse for Home Consumption.

11. Any plain British Spirits to which no sweetening or other Matter which shall alter the Strength thereof has been added may, upon Security by Bond being given, and under such Regulations as the Commissioners of Customs and Inland Revenue respectively may from Time to Time make in that Behalf, be removed from any Excise Warehouse to, and be deposited without Payment of any Duty in, any Customs Warehouse which shall be situate in Premises separate and distinct from any other Premises in which Duty-paid Spirits or Wine are kept; and any such Spirits so deposited may, upon the like Security, and under such Regulations as aforesaid, be removed to any other Customs Warehouse situate as aforesaid, or to any General Excise Warehouse; and such Spirits may be delivered for Home Consumption from any Customs Warehouse in which the same shall be deposited, upon Payment of the proper Excise Duties thereon, to be ascertained according to the Laws and Regulations now in force with respect to Spirits in an Excise Warehouse; and the said Duties shall be collected by the Officers of Customs under the Direction of the said Commissioners of Customs, who shall cause a separate Account to be kept, and to be furnished to the said Commissioners of Inland Revenue, of all such Duties collected and received; and the Amount thereof shall from Time to Time be paid over to the Account of the Receiver General of Inland Revenue at the Bank of England, and shall be dealt with and applied in the same Manner as other Monies arising from Duties of Excise.

CLAUSE B.
Allowance of Twopence per Gallon on British Spirits deposited in Customs Warehouse not to be paid until Spirits actually exported.

12. The Allowance of Twopence per Gallon granted by Section Four of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and twenty-nine, to any Distiller or Proprietor of Spirits in respect of British Spirits deposited in a Customs Warehouse, shall not be paid until a Certificate from the proper Officer of Customs shall be produced to the Officer of Excise appointed to pay the said Allowance that such Spirits have been actually exported or used in the said Warehouse for fortifying Wines, or for any other Purpose to which Foreign or Colonial Spirits may be applied under the Laws or Regulations of the Customs.

Powers and Provisions of Customs Acts to be applied to

13. All the Powers, Provisions, Clauses, Regulations, Pains, and Penalties contained in or imposed by any Act or Acts relating to the Customs, as to the Warehousing, Custody, and Delivery out of

Warehouse,

British Spirits warehoused in Customs Warehouses under this Act.

Warehouse, whether for Exportation, for Use as Ships Stores, or for Home Consumption, of Goods liable to a Duty of Customs, and as to any Deficiencies therein or Allowances thereon, so far as the same respectively are or shall be applicable, in all Cases not hereby expressly provided for, and so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, shall be observed, applied, enforced, and put in execution with reference to any British Spirits deposited in any Warehouse of Customs under the Provisions of this Act, and to the Proprietors or Owners of such Spirits.

Bonds to be given in Form approved by Commissioners.

14. Any Bond or Security required to be given by or under the Authority of this Act shall be entered into to Her Majesty, with One or more sufficient Surety or Sureties, and in such Amount and with such Conditions as the Commissioners of Customs or Inland Revenue respectively shall direct and approve.

Penalties to be recovered as other Excise Penalties.

15. The Penalties and Forfeitures imposed by this Act shall be sued for, recovered, levied, mitigated, and applied by the same Ways, Means, and Methods, and in like Manner, as Penalties and Forfeitures may be sued for, recovered, levied, mitigated, and applied under the Laws of Excise in that Behalf.

Repeal of Sections 129, 132, 133, 134, and 147 of the Act 23 & 24 Vict. c. 114.

16. Sections 129, 132, 133, 134, and 147 of the Act passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter One hundred and fourteen, shall be and the same are hereby repealed, except as to anything done or which ought to be done, or as to any Offence committed, or any Penalty or Forfeiture incurred before the Commencement of this Act.

Warehousing of British Spirits.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Laws relating to the warehousing of British Spirits.

(*Prepared and brought in by*
Mr. Chancellor of the Exchequer, Mr. Peel, and
Sir William Dunbar.)

Ordered, by The House of Commons, *to be Printed,*
17 *March* 1864.

[Bill 54.]

Under 2 oz.

62

15 *February* 1864. 27 VICT.

A

BILL

TO

Provide for the better Watching of Towns in Ireland.

Preamble.

17 & 18 Vict. c. 103.

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty, intituled "An Act to "make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns "in Ireland," it was, amongst other things, enacted, that it should be lawful for the Lord Lieutenant of Ireland, on the Application of the Commissioners elected under the said Act, to increase the Constabulary Force stationed in any such Town to act as Watchmen within such Town by Night, and also upon special Occasions by Day, as they may be required by such Commissioners or any Three of them: And whereas the said Provision of the said recited Act has in many Cases been found inoperative, by reason of the great Expense consequent on the Application thereof, and the Inability of Towns wherein the said Act has been introduced to bear the additional Taxation required by such Expense: And whereas it is expedient to amend the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This

Act to commence 1st January 1865.

1. This Act shall commence and take effect on the *First Day of January One thousand eight hundred and sixty-five.*

Title of Act.

2. This Act may for all Purposes be cited as "The Towns "Improvement (Ireland) Amendment Act, 1865."

To be deemed part of recited Act.

3. This Act shall be deemed to be incorporated with the said recited Act, and shall be as if the said recited Act and this Act were One Act.

Power to Lord Lieutenant of Ireland to increase Constabulary Force.

4. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, upon the Application of the Commissioners elected under the Provisions of the said recited Act in any City, Town Corporate, Borough, or other Market Town in Ireland, to increase the Constabulary Force stationed in such City or Town to act as Watchmen within such City or Town by Night, and also upon any special Occasions by Day, as they may be required by the Commissioners or any Three of them; and the said Commissioners shall provide a Watch-house and all necessary Articles for such Watching, and pay out of the general Assessments, upon the Certificate of the Receiver for the Constabulary Force in Ireland, such proper Salaries and Wages as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall deem sufficient, but the Salaries and Wages shall in no Case exceed the *Half* of the Rates which the said Commissioners are authorized to levy.

In default of Lord Lieutenant, the Town Commissioners may appoint additional Watchmen.

5. If the Lord Lieutenant or other Chief Governor or Governors of Ireland shall not, within *Three Months* from the Date of the Application of the said Commissioners, send the extra Constabulary Force under the Provisions of the foregoing Section, or otherwise provide for the safe and efficient Watching of said City or Town, it shall be lawful for the Commissioners of the said City or Town to appoint a sufficient Number of able Watchmen to keep Watch within any such City or Town, or the Suburbs or Liberties thereof, and also to appoint the Time of Watch, and the Stations and the Duties of the several Watchmen, and to fine and dismiss any of such Watchmen, at the Pleasure of such Commissioners, and to provide a Watch-house and all necessary Articles for such Watching.

Such Watchmen to apprehend idle or drunken Persons

6. It shall be lawful for such Watchmen to apprehend all such idle and disorderly or drunken Persons as they or any of them shall find committing any Breach of the Peace, or making any improper Noise or Disturbance during the Night or during their Watch, and to detain any such Persons till Morning, and then, or, if apprehended by Day, as soon as conveniently may be, to take such Person or Persons before any Justice of the Peace for or acting in the City, Borough, Town, or Place, to be dealt with according to Law; and if any Victualler, Publican, or other Person or Persons selling Beer or Spirituous Liquors shall entertain or harbour in his, her, or their House any such Watchman during his appointed Hours of Duty, such Victualler, Publican, or other Person or Persons shall forfeit for the Offence of so harbouring such Watchman any Sum not exceeding *Twenty Shillings.*

committing Breach of the Peace.

Penalty on Victuallers &c. harbouring Watchmen.

7. It shall be lawful for such Commissioners and they are hereby empowered to defray the Expenses of maintaining and providing for the said Watch out of the general Assessments authorized to be levied under the Provisions of the said recited Act.

Expenses to be paid out of general Assessments.

Watching of Towns (Ireland).

A

BILL

To provide for the better Watching of Towns in Ireland.

(*Prepared and brought in by*
Sir Hervey Bruce, Sir Frederick Heygate, and
Captain Stacpoole.)

Ordered, by The House of Commons, *to be Printed,*
15 *February* 1864.

[Bill 22.]

Under 1 *oz.*

A

B I L L

TO

Regulate the weighing of Grain in the Port of London.

Preamble.

WHEREAS by Prescription and Charter the Mayor and Commonalty and Citizens of the City of London are entitled to the Office of Measurer and the measuring of all and singular Coals and Grains of every Kind, and also of all Kinds of Salt, and all Kinds of Apples, Pears, Plums, and other Fruits whatsoever, and of all eatable Roots of every Kind, and also of Onions, and of all other Merchandises, Wares, and Things whatsoever measurable, and the measuring of the same, whatsoever, landed, conveyed, or brought in or to the Port of London, and to have and receive for their own Use the Wages, Rewards, Fees, and Profits arising from such Office:

And whereas the said Rights of the said Mayor and Commonalty and Citizens, so far as they relate to the measuring of Coals, have been suspended by various Acts of Parliament, and lastly by "The London Coal and Wine Duties Continuance Act, 1863," until the Fifth Day of July One thousand eight hundred and eighty-two, by force of which Acts of Parliament a Duty of Fourpence per Ton upon all Coals brought within the Metropolitan Police District and the City of London is payable to the said Mayor and Commonalty and Citizens, for the Purposes specified in such Acts, but the other Rights remain in full Force and Effect:

27 Vict. c. 18.

And whereas by an Act of the present Session, intituled "An Act "to grant certain Duties of Customs and Inland Revenue," the Duty upon Foreign Grain will, on and after the First Day of September One thousand eight hundred and sixty-four, be levied by Weight instead of Measure, and it is necessary to make Provision for weighing such Grain and all other Grain brought into the Port of London:

And whereas the said Mayor and Commonalty and Citizens, and the Lord Mayor of the said City, are also entitled by Prescription and Charter to certain Dues, Fees, and Profits upon all Grains, Butter, Cheese, Eggs, and cured Fish, Salt, Apples, Pears, Plums, and other Fruits whatsoever brought into the Port of London, and known as Lord Mayor's and City's Dues, Water Baillage, Groundage, City's Cocket and Clerk's Fees:

And whereas it is expedient, in the Interest of Trade, that the Payment of such last-mentioned Dues should be discontinued, and the Lord Mayor of the said City, and the said Mayor and Commonalty and Citizens, are willing to commute their Rights to the compulsory Metage of Grain, Salt, Apples, Pears, Plums, Fruits, eatable Roots, and Onions, for a Duty of Three Eighths of a Penny per Hundredweight to be levied and paid upon all Grain brought within the Port of London:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Compulsory Rights of Metage and Cocket Dues abolished in certain Cases.

1. From and after the *First Day of September One thousand eight hundred and sixty-four*, the Lord Mayor of the said City and the said Mayor and Commonalty and Citizens shall not, except as herein-after provided, exercise any Right of measuring Grain, Salt, Apples, Pears, Plums, and other Fruits, eatable Roots of all Sorts, and Onions, brought into the Port of London, nor levy, take, or collect any Dues upon any such Merchandise, Wares, and Things, nor levy or take any Lord Mayor's or City's Dues, Water Baillage, Groundage, City's Cocket or Clerk's Fees, now collected at the Cocket Office in the Mansion House.

A Duty of Three Eighths of a Penny granted on Grain.

2. The Rate or Duty of *Three Eighths of a Penny* for every Hundredweight of Grain brought within the Port of London shall be collected by the said Mayor and Commonalty and Citizens mentioned, and shall be applied by them in the same Manner as the Metage heretofore has been.

Such Duty to be a Debt to the Corporation.

3. The said Duty shall be a Debt due to the Mayor and Commonalty and Citizens immediately upon such Grain entering the

Limits of the said Port, and shall be paid to such Person or Persons, at such Place or Places, in such Manner, and under such Regulations as the said Mayor and Commonalty and Citizens shall from Time to Time direct and appoint.

The Corporation to weigh all Grain for Three Eighths of a Penny per Hundredweight.

4. The said Mayor and Commonalty and Citizens shall weigh, free of all other Charge than the said Duty of *Three Eighths of a Penny* per Hundredweight, all Grain brought into the said Port, and provide all necessary Weighers and Machinery for properly and with due Despatch conducting such Weighing, and for that Purpose shall appoint such Officers, Clerks, and Servants as they may think fit; and the Certificate of their known Officer shall be conclusive Evidence of the Weight of any Parcel of Grain, and such Duplicates as may be required by the Collector of Her Majesty's Customs for the Port of London shall be furnished to him free of Charge.

The Common Council to appoint a Committee to carry out the Act.

5. The Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, may appoint a Committee to superintend the Collection of such Duty, and to transact all such Matters or Purposes connected therewith as the said Mayor, Aldermen, and Commons shall think fit or proper to delegate to such Committee.

Interpretation Clause.

6. The Word "Grain" shall for the Purposes of such Duty mean all Corn, Pulse, and Seeds.

Not to affect Coal Duty of Fourpence a Ton.

7. Nothing in this Act contained shall be held or deemed or taken to affect or prejudice the Right of the said Mayor and Commonalty and Citizens to the Duty of Fourpence per Ton upon Coals now levied by Authority of Parliament, or any other Rights they have connected with the measuring or weighing of Coals, Culm, and Cinders.

Voluntary Metage not to be affected.

8. Nothing in this Act contained shall prevent or hinder the said Mayor and Comonalty and Citizens from continuing or establishing any System of voluntary Metage for any Sort of measurable Merchandise.

Malt still to be measured.

9. And whereas the Revenue Duty upon Malt is now levied by Measure, and it is expedient that the measuring of Malt by the said Mayor, Commonalty, and Citizens should be continued as heretofore: Therefore nothing in this Act contained shall affect the Rights of the said Lord Mayor, and the Mayor and Commonalty and Citizens, to the Metage of Malt, and the Fees, Wages, Rewards, and Profits thereto belonging.

In case the Mode of levying the Customs Duty on Grain should be varied, Rights of Metage revived.

10. Provided always, That if at any Time the Customs Duty on Grain shall cease to be levied by Weight, or this Act be repealed, the Lord Mayor of the said City of London, and the said Mayor and Commonalty and Citizens, shall be entitled to exercise and enjoy all Rights of measuring Grain and other measurable Merchandise, and other Rights and Privileges in respect thereof, to which he or they is, are, or may be entitled at the passing of this Act, and shall be entitled to demand, collect, recover, and receive the Metage Duties, Rates, or Sums, and to enjoy and exercise all other Privileges and Advantages to which he or they is, are, or may be entitled at the Time of the passing of this Act, and the same may be enforced, recovered, claimed, and pleaded in the same Manner as if they had been exercised and recovered respectively during the Time at which they may have been suspended or varied under this Act.

Compensation to be granted in certain Cases.

11. And whereas Compensation should be made to the Lord Mayor of the said City for the Loss of Emolument received by him from the Cocket Office, and to the Clerk of the said Cocket Office for the Loss of his Office, and it may also be necessary to pension some of the present Deputy Sworn Corn Meters: Therefore it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, to [determine what Amount of Compensation shall be paid to the Lord Mayor and to the Clerk of the Cocket Office for the Loss of Fees to them respectively consequent on the passing of this Act, and also to charge upon the said Duty of *Three Eighths of a Penny* such Pensions or other Compensation to such of the present Deputy Sworn Corn Meters as in the Judgment of the Mayor, Aldermen, and Commons may not be able efficiently to discharge the Duties of Weigher under this Act: Provided always, that if any Difference shall arise between the Mayor, Aldermen, and Commons, and any One of the Deputy Sworn Corn Meters, as to the Amount of Pension or other Compensation to be paid to him, such Difference shall be settled by the Lords Commissioners of Her Majesty's Treasury, or any Two of them, by some Writing under their Hands.

Saving of Rights of Fellowship Porters.

12. And whereas it is expedient that the Rights of the Fraternity of Fellowship Porters otherwise Billingsgate Porters to the Porterage of Grain should be preserved, and their Charges commuted: Therefore nothing in this Act contained shall affect or abridge their Rights of Porterage.

Amounts to be charged by the

13. The said Fraternity shall be entitled to charge for the Fillage and Porterage of all Grain worked by them, or which they are entitled to work, the Sum of *Three Farthings* per Hundredweight if the Amount of any One Owner or Consignee is under Fifty Hundredweight, and One *Halfpenny* per Hundredweight if the Quantity exceeds Fifty Hundredweight; and the Amount may be recovered in the Name of the said Fraternity of Fellowship Porters of the Owner or Consignee in any of Her Majesty's Courts of Law.

Fellowship Porters.

14. For the Purpose of giving the Dealers in Grain a Control over the Manner in which the Duties of the Fellowship Porters are discharged, Two Members of the Committee of the Corn Exchange in London, being Citizens of London, shall, in such Manner as such Committee shall from Time to Time determine, be annually appointed to be Rulers of the Fellowship Porters, and shall by such Fellowship be permitted to exercise the Functions of Rulers in all respects as the other Rulers of the said Fellowship. The First Election shall take place immediately after the *passing of this Act*, at a Time and Place to be appointed by the Secretary of the said Corn Exchange, and the Result of the same and of all future Elections shall be certified by the said Secretary to the Clerk of the said Fraternity.

Two of the Committee of the Corn Exchange to be Rulers of the Fellowship Porters.

Weighing of Grain (Port of London).

A

BILL

To regulate the weighing of Grain in the Port of London.

(Prepared and brought in by
Mr. Crawford, Mr. Goschen, Mr. Thomas Baring,
and Mr. Hubbard.)

Ordered, by The House of Commons, *to be Printed*,
26 *May* 1864.

[Bill 119.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Regulate the weighing of Grain in the Port of London.

Preamble.

WHEREAS by Prescription and Charter the Mayor and Commonalty and Citizens of the City of London are entitled to the Office of Measurer and the measuring of all and singular Coals and Grains of every Kind, and also of all Kinds of Salt, and all Kinds of Apples, Pears, Plums, and other Fruits whatsoever, and of all eatable Roots of every Kind, and also of Onions, and of all other Merchandises, Wares, and Things whatsoever measurable, and the measuring of the same, whatsoever, landed, conveyed, or brought in or to the Port of London, and to have and receive for their own Use the Wages, Rewards, Fees, and Profits arising from such Office:

1 & 2 W. 4. c. 76.
1 & 2 Vict. c. 101.
8 & 9 Vict. c. 101.
14 & 15 Vict. c. 146.
24 & 25 Vict. c. 42.
26 & 27 Vict. c. 46.

And whereas the said Rights of the said Mayor and Commonalty and Citizens, so far as they relate to the measuring of Coals, have been suspended by various Acts of Parliament, and lastly by "The London Coal and Wine Duties Continuance Act, 1863," until the Fifth Day of July One thousand eight hundred and eighty-two, by force of which Acts of Parliament a Duty of Fourpence per Ton upon all Coals brought within the Metropolitan Police District and the City of London is payable to the said Mayor and Commonalty and Citizens, for the Purposes specified in such Acts, but the other Rights remain in full Force and Effect:

27 Vict. c. 18.

And whereas by an Act of the present Session, intituled "An Act "to grant certain Duties of Customs and Inland Revenue," the Duty upon Foreign Grain will, on and after the First Day of September One thousand eight hundred and sixty-four, be levied by Weight instead of Measure, and it is necessary to make Provision for weighing such Grain and all other Grain brought into the Port of London:

And whereas the said Mayor and Commonalty and Citizens, and the Lord Mayor of the said City, are also entitled by Prescription and Charter to certain Dues, Fees, and Profits upon all Grains, Butter, Cheese, Eggs, and cured Fish, Salt, Apples, Pears, Plums, and other Fruits whatsoever brought into the Port of London, and known as Lord Mayor's and City's Dues, Water Baillage, Groundage, City's Cocket and Clerk's Fees:

And whereas it is expedient, in the Interest of Trade, that the Payment of such last-mentioned Dues should be discontinued, and the Lord Mayor of the said City, and the said Mayor and Commonalty and Citizens, are willing to commute their Rights to the compulsory Metage of Grain, Salt, Apples, Pears, Plums, Fruits, eatable Roots, and Onions, for a Rate or Charge of Three Eighths of a Penny per Hundredweight to be levied and paid upon all Grain brought within the Port of London in lieu of all Charges now payable:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Compulsory Rights of Metage and Cocket Dues abolished in certain Cases.

1. From and after the First Day of September One thousand eight hundred and sixty-four, the Lord Mayor of the said City and the said Mayor and Commonalty and Citizens shall not, except as herein-after provided, exercise any Right of measuring Grain, Salt, Apples, Pears, Plums, and other Fruits, eatable Roots of all Sorts, and Onions, brought into the Port of London, nor levy, take, or collect any Dues upon any such Merchandise, Wares, and Things, nor levy or take any Lord Mayor's or City's Dues, Water Baillage, Groundage, City's Cocket or Clerk's Fees, now collected at the Cocket Office in the Mansion House.

A Charge of Three Eighths of a Penny granted on Grain.

2. The Rate or Charge of Three Eighths of a Penny for every Hundredweight of Grain brought within the Port of London shall be collected by the said Mayor and Commonalty and Citizens, and shall be applied by them in the same Manner as the Metage heretofore has been, and the same shall be a Debt due to the Mayor and Commonalty and Citizens, and shall be paid to such Person or Persons, at such Place or Places, in such Manner, and under such Regulations as the said Mayor and Commonalty and Citizens shall from Time to Time direct and appoint.

The Corporation to weigh all Grain.

3. It shall be the Duty of the said Mayor and Commonalty and Citizens to weigh, and free of all other Charge than the said Rate of Three Eighths of a Penny per Hundredweight, all Grain brought into the said Port, and provide all necessary Weighers and Machinery for properly and with due Despatch conducting such Weighing, and for that Purpose shall appoint such Officers, Clerks, and Servants as they may think fit; and the Certificate of their known Officer shall be conclusive Evidence of the Weight of any Parcel of Grain, and such Duplicates as may be required by the Collector of Her Majesty's Customs for the Port of London shall be furnished to him free of Expense.

The Rate to be allowed as a Drawback on Re-exportation.

4. The Mayor and Commonalty and Citizens shall allow a Drawback of the said Rate or Charge upon all Grain which, having been brought within the Port of London, shall afterwards be exported Coastwise or to Foreign Ports without being unloaded or the Bulk broken, and they may from Time to Time make such Rules and Regulations as may be necessary for directing how the Claims for Drawback shall be made and substantiated.

The Common Council to appoint a Committee to carry out the Act.

5. The Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, may appoint a Committee to superintend the weighing of Grain, and to transact all such Matters connected therewith as the said Mayor, Aldermen, and Commons shall think fit or proper to delegate to such Committee.

Interpretation Clause.

6. The Word "Grain" shall for the Purposes of this Act mean all Corn, Pulse, and Seeds, except the following Seeds when brought into the said Port in Sacks or Bags; videlicet, Linseed, Rapeseed, Millett Seed, Canary Seed, Cotton Seed, Poppy Seed, Teel Seed, Niger Seed, Gingetty Seed, and Sesame Seed.

Not to affect Coal Duty of Fourpence a Ton.

7. Nothing in this Act contained shall be held or deemed or taken to affect or prejudice the Right of the said Mayor and Commonalty and Citizens to the Duty of Fourpence per Ton upon Coals now levied by Authority of Parliament, or any other Rights they have connected with the measuring or weighing of Coals, Culm, and Cinders.

Voluntary Metage not to be affected.

8. Nothing in this Act contained shall prevent or hinder the said Mayor and Comonalty and Citizens from continuing or establishing any System of voluntary Metage for any Sort of measurable Merchandise.

Malt still to be measured.

9. And whereas the Revenue Duty upon Malt is now levied by Measure, and it is expedient that the measuring of Malt by the said Mayor, and Commonalty, and Citizens should be continued as heretofore: Therefore nothing in this Act contained shall affect the Rights of the said Lord Mayor, and the Mayor and Commonalty and Citizens, to the Metage of Malt, and the Fees, Wages, Rewards, and Profits thereto belonging.

In case of Repeal of Act Rights of Metage revived.

10. Provided always, That if at any Time this Act be repealed, the Lord Mayor of the said City of London, and the said Mayor and Commonalty and Citizens, shall be entitled to exercise and enjoy all Rights of measuring Grain and other measurable Merchandise, and other Rights and Privileges in respect thereof, to which he or they is, are, or may be entitled at the passing of this Act, and shall be entitled to demand, collect, recover, and receive the Metage Duties, Rates, or Sums, and to enjoy and exercise all other Privileges and Advantages to which he or they is, are, or may be entitled at the Time of the passing of this Act, and the same may be enforced, recovered, claimed, and pleaded in the same Manner as if they had been exercised and recovered respectively during the Time at which they may have been suspended or varied under this Act.

Compensation to be granted in certain Cases.

11. And whereas Compensation should be made to the Lord Mayor of the said City for the Loss of Emolument received by him from the Cocket Office, and to the Clerk of the said Cocket Office for the Loss of his Office, and it may also be necessary to pension some of the present Deputy Sworn Corn Meters: Therefore it shall be lawful for the said Mayor, Aldermen, and Commons, in Common Council assembled, to determine what Amount of Compensation shall be paid to the Lord Mayor and to the Clerk of the Cocket Office for the Loss of Fees to them respectively consequent on the passing of this Act, and also to charge upon the said Rate or Charge of Three Eighths of a Penny such Pensions or other Compensation to such of the present Deputy Sworn Corn Meters as in the Judgment of the Mayor, Aldermen, and Commons may not be able efficiently to discharge the Duties of Weigher under this Act: Provided always, that if any Difference shall arise between the Mayor, Aldermen, and Commons, and any One of the Deputy Sworn Corn Meters, as to the Amount of Pension or other Compensation to be paid to him, such Difference shall be settled by the Lords Commissioners of Her Majesty's Treasury, or any Two of them, by some Writing under their Hands.

Saving of Rights of Fellowship Porters.

12. And whereas it is expedient that the Rights of the Fraternity of Fellowship Porters otherwise Billingsgate Porters to the Porterage of Grain, Fruit, Wares, and Merchandise should be preserved, and that their Charges in respect of Grain should be commuted: Therefore nothing in this Act contained shall affect or abridge their Rights of Porterage.

Amounts to be charged by the Fellowship Porters.

13. The said Fraternity shall be entitled to charge for the Fillage and Porterage of all Grain worked by them, or which they are entitled to work, the Sum of Three Farthings per Hundredweight if the Quantity worked by the same Team or Gang of Men on One or more Orders without leaving the Ship be under One hundred and fifty Hundredweight, and One Halfpenny per Hundredweight if the Quantity exceeds One hundred and fifty Hundredweight; and the Amount may be recovered in the Name of the said Fraternity of Fellowship Porters of the Owner or Consignee in any of Her Majesty's Courts of Law.

Two of the Committee of the Corn Exchange to be Rulers of the Fellowship Porters.

14. For the Purpose of giving the Dealers in Grain a Control over the Manner in which the Duties of the Fellowship Porters are discharged, Two Members of the Committee of the Corn Exchange in London, being Citizens of London, shall, in such Manner as such Committee shall from Time to Time determine, be annually appointed to be Rulers of the Fellowship Porters, and shall by such Fellowship be permitted to exercise the Functions of Rulers in all respects as the other Rulers of the said Fellowship. The First Election shall take place immediately after the passing of this Act, at a Time and Place to be appointed by the Secretary of the said Corn Exchange, and the Result of the same and of all future Elections shall be certified by the said Secretary to the Clerk of the said Fraternity.

For varying Charges of Fellowship Porters.

15. The above-mentioned Charges of the said Fraternity for the Fillage and Porterage of Grain may from Time to Time be varied and regulated by the unanimous Resolution of a Court of the Rulers of the said Fraternity, provided that the said Two Members of the Committee of the Corn Exchange shall be present at every Court at which any such Variation or Regulation shall be made.

Appeal to Board of Trade.

16. In case any Difference of Opinion shall arise between the said Two Members of the Committee of the Corn Exchange and the other Rulers of the said Fraternity, respecting any Variation or Regulation of the above-mentioned Charges of the said Fraternity, the Question in difference shall be referred to the President of the Board of Trade, who may either by himself or by some indifferent Person to be nominated by him from Time to Time settle and regulate the Charges respecting which any such Difference of Opinion shall arise. A Reference may be made to the

President of the Board of Trade in the event of any such Difference of Opinion, upon the Requisition in Writing of both or either of the said Two Members of the Committee of the Corn Exchange, or upon the Requisition in Writing of a Majority of the other Rulers of the said Fraternity for the Time being.

Short Title. **17.** This Act may be cited as "The Weighing of Grain (Port of London) Act, 1864."

Weighing of Grain (Port of London).

A

BILL

[AS AMENDED IN COMMITTEE]

To regulate the weighing of Grain in the Port of London.

(Prepared and brought in by Mr. Crawford, Mr. Goschen, Mr. Thomas Baring, and Mr. Hubbard.)

Ordered, by The House of Commons, *to be Printed*, 24 *June* 1864.

[Bill 172.]

Under 1 *oz.*

18 *February* 1864. 27 Vict.

A

B I L L

TO

Render permissive the Use of the Metric System of Weights and Measures in this Country.

Preamble.

WHEREAS, for the Promotion and Extension of our internal as well as our foreign Trade, and for the Advancement of Science, it is expedient to legalize the Use of the Metric System of Weights and Measures: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as the "Metric Weights and Measures Act, 1864."

The Use of Metric Weights and Measures allowed.

2. From and after *the passing of this Act* the Weights and Measures of the Metric System shall be legal Weights and Measures, and may be used for all Purposes whatsoever.

Metre defined.

3. The Length of that Bar of Platinum, having the Word "*Metre*" engraved upon it, in the Possession of the Royal Society, and made in consequence of a Resolution of the House of Commons, adopted on the Fifteenth Day of March One thousand eight hundred and sixteen, shall at the Temperature of melting Ice be the Standard of the Measure of Length called the *Metre;* the Decimal Multiples and Divisions of which, and their Equivalents in Imperial Measures, are set forth in the Schedule hereunto annexed.

The Are Unit of Superficial Measure.

4. The Metric Unit of Superficial Measure shall be the Are which is equal to One hundred Square Metres, or to a Square Dekametre, the Decimal Multiples and Divisions of which, and their Equivalents in the Imperial Measures, are set forth in the Schedule hereunto annexed.

The Litre Unit of Measure of Capacity.

5. The Metric Unit of Measures of Capacity, as well for Liquids as for Dry Goods, shall be the *Litre*, equal in Capacity to a Cubic Decimetre, the Decimal Multiples and Divisions of which, and their Equivalents in the Imperial Measures, are set forth in the Schedule hereunto annexed.

The Gram Unit of Weight.

6. The Metric Unit of Weight shall be the Gram, being the Weight of a Cubic Centimetre of Distilled Water at the Temperature of its greatest Density; the Decimal Multiples and Divisions of which, and their Equivalents in the Imperial Weights, are set forth in the Schedule hereunto annexed.

Standard Kilogram of Platinum.

7. The Kilogram or Kilo, being the Weight of One thousand Grams, is hereby declared to be represented by the Standard Kilogram of Platinum preserved in the Royal Observatory at Greenwich.

Double and Half of Principal Measures and Weights.

8. For the Subdivision of the Metric Measures and Weights it shall be lawful to use the Double and Half of all the aforesaid Units, and of their Decimal Multiples and Divisions.

Copies and Models to be made and deposited in certain Places.

9. Exact Copies of the aforesaid Metre and Kilogram, together with a Standard Litre, and of such Multiples and Parts thereof as the Committee of Her Majesty's Privy Council for Trade shall judge expedient, shall, within *Six Months* after the *passing of this Act,* be made under the Direction of the said Committee, and after being duly verified shall be sent to the Lord Mayor of London, the Lord Mayor of Dublin, the Lord Provost of Edinburgh, and to all Counties, Shires, Stewartries, Ridings, Divisions, Cities, Towns, Liberties, and Places in which by Law Copies and Models of the Standard Imperial Weights and Measures are or are required to be kept, and to such other Places and Persons as the President of the Committee of Privy Council for Trade may from Time to Time direct.

Customs Duties may be collected by Metric Weights and Measures.

10. The Rates and Duties of the Customs on any Goods or Merchandise arriving from any Country in which the Metric Weights and Measures are in use shall, if the Person paying or chargeable with the Duty thereon shall so require, be collected by the Metric Weights and Measures; and so soon as conveniently may be after *the passing of this Act* accurate Tables shall be prepared and published under the Direction of the said Committee of the Privy Council for Trade, in order that the several Rates and Duties of Customs and Excise and other Her Majesty's Revenue may be adjusted, and, when required by the Parties, made payable according to the respective Quantities of the Metric Weights and Measures.

Magistrates may provide Copies of Metre Weights and Measures for Reference.

11. All Judges, Magistrates, and other Person or Persons who now are or shall hereafter be authorized by Law to order or provide Copies of the Imperial Standard Weights and Measures shall at all Times hereafter have like Power and Authority to order or provide Copies of the Metric Standard Weights and Measures, and to charge the Expense thereof upon the Fund or Funds, Money or Monies, that would have been liable in case it had been Copies of Standard Imperial Weights and Measures that had been ordered or provided.

Provisions regarding Imperial Weights and Measures to apply to Metric Weights and Measures.

12. All and every the Provisions and Provision which are or may be hereafter by Law in force with respect to the Inspection, Verification, Reverification, Stamping, Counterfeiting, and Modes of Conviction, with the Penalty or Penalties relating thereto, of the Imperial Weights and Measures, shall apply to and be in force with regard to the Metric Weights and Measures in every respect as if the Metric Weights and Measures were comprised in and designated by the Imperial Weights and Measures in the Acts relating to such Inspection, Verification, Reverification, Stamping, Counterfeiting, and Modes of Conviction, and the Penalty or Penalties relating thereto, as aforesaid.

SCHEDULE to which this Act refers.

Metric Names.		Metric Equivalents.	Imperial Equivalents.		
			Inches.	Yards.	Miles.
Linear Measures.	Myriametre	10,000 Metres	—	10936·331	6·214
	Kilometre	1,000 „	—	1093·633	0·621
	Hectometre	100 „	—	109·363	0·062
	Dekametre	10 „	—	10·936	—
	Metre	The Unit	39·371	1·094	—
	Decimetre	$\frac{1}{10}$th of a Metre	3·937	—	—
	Centimetre	$\frac{1}{100}$th „	·394	—	—
	Millimetre	$\frac{1}{1000}$th „	·39	—	—
			Square Yards.	Roods.	Acres.
Square Measure.	Hectare	100 Ares or 10,000 Square Metres.	11960·333	9·885	2·471
	Dekare	10 Ares or 1,000 Square Metres.	1196·033	·988	·247
	Are	The Unit	119·603	·099	·025
	Centiare	$\frac{1}{100}$th of an Are, or 1 Square Metre.	1·196	—	—
			Pints.	Gallons.	
Measure of Capacity.	Kilolitre	1000 Litres, or a Cubic Metre.	1760·773	220·097	—
	Hectolitre	100 „	176·077	22·010	—
	Dekalitre	10 „	17·608	2·201	—
	Litre	The Unit, or a Cubic Decimetre.	1·761	·220	—
	Decilitre	$\frac{1}{10}$th of a Litre	·176	—	—
	Centilitre	$\frac{1}{100}$th „	·018	—	—
			Grains.	Ounces.	Pounds.
Weights.	Ton	1000 Kilograms the Weight of a Cubic Metre of Water.	—	—	2204·714
	Quintal	100 Kilograms	—	—	220·471
	Myriagram	10 „	—	—	22·047
	Kilogram	1000 Grams	—	35·275	2·205
	Hectogram	100 „	—	3·528	—
	Dekagram	10 „	—	·353	—
	Gram	The Unit the Weight of a Centimetre of Water.	15·433	—	—
	Decigram	$\frac{1}{10}$th of a Gram	1·543	—	—
	Centigram	$\frac{1}{100}$th „	·154	—	—
	Milligram	$\frac{1}{1000}$th „	·015	—	—

Weights and Measures (Metric System).

A

BILL

To render permissive the Use of the Metric System of Weights and Measures in this Country.

(*Prepared and brought in by*
Mr. William Ewart, Mr. Adderley, Mr. Cobden,
and Mr. Finlay.)

Ordered, by The House of Commons, *to be Printed,*
18 *February* 1864.

[Bill 24.]

Under 1 *oz.*

Weights and Measures (Metric System).

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Render permissive the Use of the Metric System of Weights and Measures in this Country.

Preamble.

WHEREAS, for the Promotion and Extension of our internal as well as our foreign Trade, and for the Advancement of Science, it is expedient to legalize the Use of the Metric System of Weights and Measures: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as the "Metric Weights and Measures Act, 1864."

CLAUSE A. Contracts may be made in Terms of the Metric System.

2. Notwithstanding anything contained in any Act of Parliament to the contrary, no Contract or Dealing shall be deemed to be invalid or open to Objection on the Ground that the Weights or Measures expressed or referred to in such Contract or Dealing are Weights or Measures of the Metric System.

CLAUSE B. Equivalents of Metric Weights and

3. The Table in the Schedule hereto annexed shall be deemed to set forth, in Terms of the legal Weights and Measures in force in

[Bill 165.] this

Measures in Terms of legal Weights and Measures.

this Country, the Equivalents of the Weights and Measures therein expressed in Terms of the Metric System, and such Table may be lawfully used for computing, determining, and expressing, in legal Weights and Measures, Weights and Measures of the Metric System.

SCHE-

SCHEDULE to which this Act refers.

SCHEDULE of TABLES of the Values of the principal Denominations of Measures and Weights on the Metric System expressed by the Means of the legalized Denominations of Measures and Weights in Great Britain and Ireland.

MEASURES OF LENGTH.

Metric Denomination.		Equivalent in British Denominations.				
——	Metres.	Miles.	Yards.	Feet.	Inches.	Decimals.
Myriametre	10,000	6·	376·	0·	11·	9
		or	10,936·	0·	11·	9
Kilometre	1000		1093·	1·	10·	79
Hectometre	100		109·	1·	1·	079
Dekametre	10		10·	2·	9·	7079
Metre	1		1·	0·	3·	3708
Decimetre	$\frac{1}{10}$				3·	9371
Centimetre	$\frac{1}{100}$				0·	3937
Millimetre	$\frac{1}{1000}$				0·	0394

MEASURES OF SURFACE.

Metric Denomination.		Equivalent in British Denominations.		
——	Square Metres.	Acres.	Square Yards.	Decimals.
Hectare	10,000	2·	2280·	3326
		or	11,960·	3326
Dekare	1,000		1196·	0333
Are	100		119·	6033
Centiare	1		1·	1960

MEASURES OF CAPACITY.

Metric Denomination.		Equivalent in British Denominations.						
——	Cubic Metres.	Quarters.	Bushels.	Pecks.	Gallons.	Quarts.	Pints.	Decimals.
Kilolitre	1	3·	3·	2·	0·	0·	0·	77
Hectolitre	$\frac{1}{10}$		2·	3·	0·	0·	0·	077
Dekalitre	$\frac{1}{100}$			1·	0·	0·	1·	6077
Litre	$\frac{1}{1000}$						1·	76077
Decilitre	$\frac{1}{10000}$						0·	176077
Centilitre	$\frac{1}{100000}$						0·	0176077

WEIGHTS.

Metric Denominations.		Equivalent in British Denominations.					
	Grams.	Cwts.	Stones.	Pounds.	Ounces.	Drams.	Decimals.
Millier -	1,000,000	19·	5·	6·	9·	15·04	
Quintal - -	100,000	1·	7·	10·	7·	6·304	
Myriagram - -	10,000		1·	8·	0·	11·8304	
Kilogram - -	1,000	(or 15432·3488 grains)		2·	3·	4·3830	
Hectogram - -	100				3·	8·4383	
Dekagram - -	10					5·6438	
Gram - -	1					0·56438	
Decigram - -	$\frac{1}{10}$					0·056438	
Centigram - -	$\frac{1}{100}$					0·0056438	
Milligram - -	$\frac{1}{1000}$					0·00056438	

Weights and Measures (Metric System).

A

BILL

[AS AMENDED IN COMMITTEE]

To render permissive the Use of the Metric System of Weights and Measures in this Country.

(Prepared and brought in by Mr. William Ewart, Mr. Adderley, Mr. Cobden, and Mr. Finlay.)

Ordered, by The House of Commons, *to be Printed*
22 *June* 1864.

[Bill 165.]

Under 1 *oz.*

A

B I L L

TO

Amend "The West Indian Incumbered Estates Acts."

WHEREAS it is contemplated that "The West Indian Incumbered Estates Acts, 1854, 1858, 1862," should, in so far as such Acts or any Provisions thereof are temporary in their Duration, be continued by an Act of the present Session of Parliament for a further Period to be named in such Act, and it is expedient that the same Acts should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may for all Purposes be cited as "The West Indian Incumbered Estates Act, 1864." Short Title.

2. "The West Indian Incumbered Estates Act, 1854," herein-after called the Principal Act, "The West Indian Incumbered Estates Act, 1858," herein-after called the First Amendment Act, and "The West Indian Incumbered Estates Act, 1862," herein-after called the Second Amendment Act, and this Act, shall, so far as is consistent with

Definition of Principal Act, &c.

with the Context and Objects of such Acts, be construed as One Act, and the Principal Act, the First Amendment Act, the Second Amendment Act, and this Act may for all Purposes be cited as "The West Indian Incumbered Estates Acts, 1854, 1858, 1862, 1864."

Provision as to Acts coming into operation.

3. Where Her Majesty, by Order in Council, has directed or shall direct the Principal Act, or the Principal Act and the First Amendment Act, or the Principal Act and the First and Second Amendment Acts, to come into operation in any of the Colonies mentioned in the Schedule to the Principal Act, or where any of such Colonies has presented or shall present an Address to Her Majesty praying Her Majesty to issue such Order, then and in every such Case such Order and such Address respectively shall apply and be construed to apply as well to this Act, and to any Act of the present Session of Parliament continuing "The West Indian Incumbered Estates Acts, 1854, 1858, 1862," as aforesaid (so far as regards the said Acts), as to the Principal Act, or as to the Principal Act and the First Amendment Act, or as to the Principal Act and the First and Second Amendment Acts (as the Case may be).

Power to include Stock in Sales.

4. Where any Land shall be sold under the aforesaid Acts or any of them, the Commissioners shall have Power to include in such Sale all or any Horses, Mules, Cattle, live or dead Stock, Plant, Carts, Carriages, Implements, duplicate and other unfixed Machinery, Utensils, and other Chattels and Effects used or employed in or about the Cultivation of such Land or any Part thereof, and which may be subject to any Incumbrance affecting such Land or any Part thereof, and all or any other Horses, Mules, Cattle, live or dead Stock, Plant, Carts, Carriages, Implements, duplicate and other unfixed Machinery, Utensils, and other Chattels and Effects used or employed in or about the Cultivation of such Land, and the Owner or part Owner or any Mortgagee of which shall apply for or consent to such Sale, and to apply the Monies arising from the Sale of such Chattels and Effects in the same Manner in all respects as if such Chattels and Effects had been Land sold under these Acts, or otherwise according to the Rights and Interests of the Parties entitled thereto; and such Monies shall be subject to the Payment of the same Commissions or Per-centages and Fees as they would have been subject to if they had arisen from Land sold under these Acts.

Power to appoint Receiver of

5. The Commissioners shall have the same Powers of appointing a Receiver or Receivers of any Lands for the Sale of which a

Lands and Stock after Conditional Order for Sale.

Conditional Order has been made by them under these Acts, and likewise of the Horses, Mules, Cattle, live or dead Stock, Plant, Carts, Carriages, Implements, duplicate and other unfixed Machinery, Utensils, and other Chattels and Effects used or employed in or about the Cultivation of such Land or any Part thereof, which may be subject to any Incumbrance affecting such Land or any Part thereof, and all or any other Horses, Mules, Cattle, live or dead Stock, Plant, Carts, Carriages, Implements, duplicate and other unfixed Machinery, Utensils, and other Chattels and Effects used or employed in or about the Cultivation of such Land, and the Owner or part Owner or any Mortgagee of which shall apply for or consent to the Appointment of such Receiver or Receivers, as they have under "The West Indian Incumbered Estates Act, 1862," over any Land for the Sale of which an Absolute Order has been made by them.

West Indian Incumbered Estates Acts Amendment.

A

B I L L

To amend "The West Indian Incumbered Estates Act."

(Prepared and brought in by Mr. Chichester Fortescue and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed*,
15 *July* 1864.

[Bill 215.]

Under 1 *oz.*

A

B I L L

FOR

The better Regulation of the Traffic on Westminster Bridge, and for the Prevention of Obstructions thereon.

Preamble.

WHEREAS it is expedient that better Provision should be made for the Regulation of private and public Carriages, Carts, Drays, Waggons, and other Vehicles passing over Westminster Bridge and its Approaches: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Defining the Approaches to the Bridge.

1. For the Purposes of this Act, the Approaches to Westminster Bridge shall be deemed to include Bridge Street, Westminster, and the Westminster Bridge Road in the County of Surrey as far as Stangate.

Power to the Commissioners of Her Majesty's Works to make Byelaws and Orders.

2. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings for the Time being or any Two of them, of whom One of Her Majesty's Principal Secretaries of State shall be One, to make from Time to Time such Byelaws, Rules, Orders, and Regulations as they may think necessary or expedient for all or any of the Purposes following; (that is to say,)

For regulating the particular Portions of Westminster Bridge and its Approaches to be used by all or any public or private Carriages, Carts, Drays, Waggons, or other Vehicles, or for preventing Obstructions on the said Bridge or its Approaches.

Byelaws may be varied or repealed.

3. Such Byelaws, Rules, Orders, and Regulations may at any Time be varied, altered, or repealed as may be considered expedient by the Authority aforesaid; and the said Commissioners shall not be in any Manner liable for any Loss, Costs, Damage, or Expense that may accrue or arise, or be alleged to have accrued or arisen to any Person or Vehicle by reason or in consequence of any such Byelaw, Rule, Order, or Regulation, or of any Act done in accordance with or in obedience to any Byelaw, Rule, Order, or Regulation, provided such Byelaws, Rules, Orders, or Regulations be not repugnant to the Provisions of this Act.

Penalties imposed for Breach of Byelaws.

4. Every Person who shall offend against any of such Byelaws, Rules, Orders, and Regulations shall be liable to a Penalty of not more than *Forty Shillings* for every such Offence.

For the raising of Penalties.

5. The Penalties imposed by this Act shall be recoverable in the same Manner and subject to the same Provisions as Penalties imposed by the Act of the Second and Third Years of Her Majesty, Chapter Forty-seven, "for further improving the Police in and near "the Metropolis."

Publication of Byelaws.

6. No Byelaw, Rule, Order, or Regulation, or any Alteration thereof shall come into force until *Fourteen Days* after the same shall have been advertised in the "London Gazette" and in One or more of the London daily Newspapers.

Westminster Bridge Traffic.

A

B I L L

For the better Regulation of the Traffic on Westminster Bridge, and for the Prevention of Obstructions thereon.

(Prepared and brought in by
Mr. Cowper and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
13 *July* 1864.

[Bill 205.]

Under 1 *oz.*

29 *April* 1864. 27 Vict.

(Scotland.)

A

BILL

TO

Alter and amend the System of the Registration of Writs relative to Land in Scotland.

WHEREAS it is expedient to amend the System of Registration of Writs relating to Lands and Heritages in Scotland, to lessen the Number of Registers, and to facilitate Searches thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. This Act may be cited for all Purposes as "The Land Registers (Scotland) Act, 1864."

Short Title of Act.

2. The General Register of Sasines for Scotland shall be so kept that the Writs applicable to each County shall be entered in a separate Series of Presentment Books, and minuted in a separate Series of Minute Books, and engrossed in a seperate Series of Register Volumes; and where any Writ shall contain Land in more than One County, such Writ shall be entered by the Ingiver in the Presentment Book of each County, and shall be minuted in the Minute Book of each County to which such Writ applies, and shall be engrossed at length in the Division of the Register applicable to One only of the said Counties; and a Memorandum shall

In General Register of Sasines, Writs of each County to be kept separate.

shall be entered in each Division of the Register applicable to the other County or Counties to which such Writ applies, and in the Presentment Book of which it is entered as aforesaid, setting forth the Volume of the Register, and the Folio or Folios of such Volume in which such Engrossment is made, and such Memorandum shall be deemed to be equivalent to full Engrossment of such Writ in the Division of the Register wherein such Memorandum shall be entered as aforesaid; and, for the Purpose of this Act, the Barony and Regality of Glasgow, and also the Stewartry of Kirkcudbright, shall each be treated as a County.

Writs applicable to more than One County may be registered in each successively.

3. Provided always, That where any Writ containing Lands or Heritages in more than One County shall not have been presented, minuted, and engrossed in all the Divisions to which it applies of the Register, the Registration of such Writ shall notwithstanding, as regards the County or Counties in the Division or Divisions applicable to which it has been presented, minuted, and engrossed as aforesaid, be effectual, and it shall be competent afterwards to present, minute, and engross such Writ in any other Division of the Register to which such Writ applies; and such subsequent Registration shall be effectual, as regards the County to which such other Division of the Register is applicable, of and from the Date of such subsequent Registration.

Registration how to be made, &c.

4. Registration of Writs in the General Register of Sasines shall, except in so far as altered by the Provisions of this Act, continue to be made in conformity with the Practice heretofore in use; and no Error or Omission in any Presentment Book of the General Register of Sasines, to be kept as aforesaid, shall invalidate or in any way affect injuriously the Registration of any Writ recorded in said Register.

Provision for Writs transmitted by Post to General Register of Sasines.

5. Where any Writ shall be transmitted by Post for Registration in the General Register of Sasines, the Keeper of said Register shall, upon the Receipt of such Writ, cause the same to be presented in Terms of the Instructions accompanying it by a Clerk in his Office to be appointed by him for that Purpose; and such Clerk shall attach to his Signature in the Presentment Book the Words "transmitted by," and thereafter the Name of the Sender; and such Writ shall be recorded in the same Manner as any other Writ presented for Registration, and on the Writ being ready for Delivery, Intimation to that Effect shall be made by Post to the Sender; and where Two or more Writs transmitted by Post shall be received by the Keeper at the same Time, the Entries thereof in the Presentment Book and Minute Book shall be of the same Year, Month, Day, and

Hour, and such Writs shall be deemed and taken to be presented and registered contemporaneously.

Particular Register of Sasines abolished.

6. The whole Particular Registers of Sasines in Scotland shall be discontinued not later than the *Thirty-first Day of December One thousand eight hundred and sixty-six;* and it shall be competent to the Lord Clerk Register of Scotland from Time to Time, upon the Application of the Keeper of the General Register of Sasines, to order the Discontinuance of any Particular Register of Sasines, and the Lord Clerk Register shall cause such Order, signed by him, to be recorded in the General Register of Sasines, and a Copy of such Order, also signed by him, to be transmitted to the Keeper of the Particular Register of Sasines to which it applies, and shall cause such Order to be advertised in the Edinburgh Gazette, and in any Newspaper or Newspapers he may deem proper; and such Order shall specify the Day, not being less than *One Calendar Month* after the Date of such Publication in the Edinburgh Gazette, from and after which such Particular Register is to be discontinued; and after the Date so to be specified in any such Order as regards the Particular Register to which such Order shall apply, and after the said *Thirty-first Day of December One thousand eight hundred and sixty-six* as regards all other Particular Registers, it shall not be competent to present, or for the Keeper of said Particular Register to receive, any Writ for Registration therein; and all Writs which, previous to the Discontinuance of the said Particular Registers respectively, might competently have been presented for Registration therein, shall after said Discontinuance be registrable only in the General Register of Sasines; and Registration in the General Register of Sasines shall have all the Force and Effect previously attached to Registration in such Particular Registers of Sasines respectively.

Printed Abridgments, &c. and Indexes to be prepared contemporaneously with Record.

7. Printed Abridgments and printed Indexes, both of Persons and Places, applicable to each County in Scotland, in the Form heretofore in use in the General Register House, or in such other Form as may from Time to Time be prescribed by the Lord Clerk Register, shall, from and after the Discontinuance of all the Particular Registers of Sasines directed to be discontinued as aforesaid, be prepared under the Superintendence of the Keeper of the General Register of Sasines, and as nearly as possible contemporaneously with the Minute Books and Volumes of the Register, and such Indexes shall be consolidated from Time to Time for such Periods as may be deemed expedient: Provided always, that it shall be lawful at any Time for the Lord Clerk Register, if he shall think fit, to direct that Abridgments shall cease to be prepared separately from the Minutes, and in that Case the Minutes shall be printed under the Superintendence of the Keeper of the General Register of Sasines, in lieu of printing such Abridgments.

Printed Abridgments, &c. and Indexes to be transmitted to Counties.

8. The Keeper of the General Register of Sasines shall transmit the said printed Abridgments, or printed Minutes and Indexes, from Time to Time as the same are prepared, to the Department of the Lord Clerk Register; and the Lord Clerk Register shall at the End of each Year, or as soon thereafter as the same shall be prepared and transmitted to his Department, furnish to the Sheriff Clerk of each County a printed Copy of the Abridgments or Minutes and Indexes for such County applicable to such preceding Year, and shall also furnish to each such Sheriff Clerk, as soon as prepared and transmitted to his Department as aforesaid, a printed Copy of each consolidated Index applicable to such County; and such Abridgments or Minutes and Indexes so furnished to the Sheriff Clerks shall be made patent by them to the Public on Payment of such reasonable Fees as may be fixed by the Lord Clerk Register with the Sanction of the Court of Session, which Fees shall be accounted for by the Sheriff Clerks to the Lord Clerk Register as Part of the Fees of his Department.

Registration in General Register of Sasines equivalent in certain Cases to Registration in the Books of Council and Session.

9. It shall not be necessary to register in the Books of Council and Session for the Purpose of Preservation, or of Preservation and Execution, any Deed competent to be registered in the General Register of Sasines, and which shall have been so registered, and such Deed being registered in the said Register of Sasines shall be held to be registered also in the Books of Council and Session for Preservation, or for Preservation and Execution, as the Case may be; provided such Deed, when presented for Registration in the said Register of Sasines, shall have a Warrant of Registration written thereon, in or as nearly as may be in the Form of Schedule (A.) to this Act annexed, specifying that the Deed is to be registered for Preservation, or for Preservation and Execution, as well as for Publication, and signed by the Person in whose Behalf the Deed is presented or his Agent; and the Deed, with such Warrant, being so registered in the said Register of Sasines, shall not be re-delivered to the Ingiver, but an Extract only (containing as Part of said Extract, where the Deed is registered for Execution, a Warrant for Execution) shall be delivered, which Extract may be issued without abiding the actual booking in the Register, and shall be in the Form, as nearly as may be, of the Schedule (B.) to this Act annexed; and the Deeds themselves, after having been engrossed in the General Register of Sasines in Terms of Law, shall be periodically transmitted by the Keeper of the said Register of Sasines to the

Lord Clerk Register or his Deputies, and shall be indexed, either separately, or along with other Trusts registered in the Books of Council and Session, as the Lord Clerk Register may direct; and such Registration in the General Register of Sasines shall have all the legal Effects of Registration in the Books of Council and Session for Preservation, or for Preservation and Execution, as the Case may be, as well as of Registration in the General Register of Sasines: Provided always, that no Deed shall be held to be registered for the Purpose of Execution which does not contain a Procuratory for Registration, or Clause of Consent to Registration, for the Purpose of Execution in the Body of the Deed; and such Extracts as aforesaid, One or more, of all Deeds so registered in the said Register of Sasines may be issued at any Time by the Keeper of the said Register of Sasines, or, after Transmission as aforesaid, by the Deputy Keeper of the Records, or by any one having their Authority respectively; and all such Extracts, and the Warrants of Execution therein contained, shall have all the like Force and Effect as any Extract from the Books of Council and Session, or as any Warrant of Execution contained in or appended to such Extract, or as any Extract from the General Register of Sasines, according to the existing Law and Practice; and such Extracts, in Terms of this Act, shall be equivalent to the registered Deeds themselves, except where any Deed so registered shall be offered to be improven.

No higher Fees to be chargeable for Deeds registered for Preservation and Execution as well as Publication.

10. No Fees shall be chargeable at the Office of the Keeper of the Register of Deeds and Probative Writs and Protests in the Books of Council and Session in respect of any Deeds registered in the General Register of Sasines for Preservation, or for Preservation and Execution, as well as for Publication, in Terms of this Act; and the Fees to be charged in respect thereof, and of the Extract given out at the Time of Registration at the Office of the General Register of Sasines, shall be the same, with the Addition only of any Outlay for the Writing and Stamps of such Extract, as would have been chargeable if the Deed had been registered for Publication only.

Registered Writs to be authenticated.

11. The Certificate of Registration on every Writ that shall be registered in the General Register of Sasines and re-delivered to the Ingiver shall be signed by the Keeper of said Register, or a Deputy duly commissioned by him to that Effect; and no further Signature in order to or in token of such Registration shall be necessary to any Writ presented for Registration in the General Register of Sasines, but every such Writ shall, in token of such Registration, be impressed with an Office Seal or Stamp to be kept in the said General Register of Sasines.

Writs containing Description by reference to prior registered Writ, to specify Volume and Folio of Register in which prior Writ engrossed.

12. Every Conveyance, Discharge, or other Deed or Instrument which shall refer, as allowed by the Thirty-fourth Section of the Titles to Land (Scotland) Act, 1860, to a particular Description contained in a prior Conveyance, Discharge, or other Deed or Instrument recorded in a Register of Sasines, shall specify the Book or Volume of such Register, and the Folio or Folios of such Book or Volume in which such prior Conveyance, Discharge, or other Deed or Instrument is engrossed.

Court of Session may cause Tailzies to be registered for Preservation.

13. It shall be competent to any Institute, Heir of Entail, Trustee, or other Person interested in any Tailzie, to apply to the Court of Session for Warrant to register such Tailzie in the Books of Council and Session for Preservation, as well as in the Register of Tailzies for Publication, where not previously so registered; and it shall be lawful for the Court, under such Application, to cause such Registration to be made at the Expense of the Applicant, or of the Institute or Heir of Entail in possession, as the Court shall direct, and with a view to such Registration to order Production of such Tailzie or grant Diligence for its Recovery.

Reigster of Interruptions of Prescriptions to be discontinued as a separate Record.

14. The Register of Interruptions of Prescriptions shall be discontinued as a separate Record, and all Writs appropriate thereto may be presented and registered in the General Register of Sasines, in the same Manner as any other Writs appropriate to said General Register of Sasines; and Registration thereof in the General Register of Sasines shall have all the like Force and Effect as Registration in the Register of Interruptions of Prescriptions previous to the passing of this Act.

Particular Registers of Inhibitions abolished.

15. The Particular Registers of Inhibitions and Interdictions throughout Scotland shall be discontinued, and all Writs at present appropriate to those Registers, or any of them, shall be registrable only in the General Register of Hornings, Inhibitions, and Adjudications, which shall be the only competent Register for the Registration of Inhibitions and Interdictions; and no Publication whatever, of such Writs, other than Registration in said General Register of Hornings, Inhibitions, and Adjudications, shall in future be necessary, but such Registration shall for all Purposes whatsoever have all the legal Effect of the Publication at present in use.

General Register of Inhibitions and Register of Adjudications to be treated as One Register.

16. The Keeper of the General Register of Hornings, Inhibitions, and Adjudications shall keep only One Minute Book for Inhibitions and Adjudications, and shall frame only One Index applicable to all Inhibitions and Adjudications recorded in his Office; and such Minute Book and Index shall be in such Form as may be prescribed by the Lord Clerk Register.

17. The Particular Registers of Hornings and Expired Charges shall be continued as at the Date of the passing of this Act: Provided always, that where any such Register has been heretofore kept as a joint Register of Hornings and Inhibitions, it shall cease to be a competent Register for the Registration of Inhibitions.

Particular Registers of Hornings, &c. not to be affected.

18. It shall be competent, before or after Execution of any Inhibition, to register in the General Register of Inhibitions a Notice thereof, setting forth the Names and Designations of the Persons by and against whom the same is raised, and the Date of signeting the same, in the Form, as nearly as may be, of the Schedule (C.) to this Act annexed; and where an Inhibition and the Execution thereof shall be duly registered in the General Register of Inhibitions not later than Twenty-one Days from the Date of the Registration therein of such Notice thereof, such Inhibition shall take effect from the Date when such Notice was registered as aforesaid, but otherwise only from the Date of the Registration of such Inhibition and the Execution thereof; and no Inhibition shall have any Effect against any Act or Deed done, committed, or executed prior to the Registration of such Notice thereof, or of such Inhibition and the Execution thereof, as the Case may be.

Inhibitions to take effect from Date of Registration of Notice, &c.

19. Letters of Inhibition may be in the Form, as nearly as may be, of the Schedule (D.) to this Act annexed; and Letters of Inhibition in such Form shall have all the like Force and Effect as Letters of Inhibition in the Form in use at the passing of this Act.

Short Form of Letters of Inhibition.

20. It shall be competent to register in the Register of Adjudications a Notice of any signeted Summons of Adjudication, setting forth the Names and Designations of the Pursuer and Defender, and the Date of signeting the same, in the Form, as nearly as may be, of the Schedule (E.) to this Act annexed; and where a Decreet of Adjudication following on such Summons shall be registered in the Register of Adjudications, such Decreet shall, where Notice has been registered as aforesaid, take effect as if registered of the Date of such Notice, and otherwise only of the Date of Registration of such Decreet itself; and no Summons or Decreet of Adjudication shall have any Effect against any Lands and Heritages prior to the Date of such Notice or Decreet, as the Case may be.

Adjudications to receive effect from Date of Registration of Notice, &c.

21. The Lords Commissioners of Her Majesty's Treasury shall have Power, upon the Application from Time to Time of the Lord Clerk Register, to regulate the Number of Official Searchers of the Records,

Provision as to Official Searchers.

Records, and to grant to such Searchers such Remuneration out of the Fees of the Searching Department in the General Register House as their Lordships shall deem fit; and it shall be competent to any one ordering a Search to select any One of the Official Searchers for the Time being whom he may prefer to make the same.

Reduction of Fees of Registration, &c.

22. It shall be competent to the Lord Clerk Register from Time to Time, after the Discontinuance of all the Particular Registers of Sasines in Terms of this Act, to make Application to the Lord President of the Court of Session, the Lord Advocate, and the Lord Justice Clerk, all for the Time being, to reduce or regulate, and alter or vary, all or any of the Fees drawn for the Time in the General Register House at Edinburgh; and the Lord President, Lord Advocate, and Lord Justice Clerk may, upon each such Application, reduce or regulate the said Fees, or alter and vary the same or any of them.

Establishment of General Register of Sasines and Inhibitions to be regulated.

23. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury, upon the Application of the Lord Clerk Register, to regulate from Time to Time the Offices of the General Register of Sasines, and of the General Register of Hornings, Inhibitions, and Adjudications under this Act, and to sanction such increased Establishment of Deputies, Assistants, Clerks, or other Officers as may be necessary for the Purposes hereof, and to fix the Salaries and Remuneration to be allowed to the Officers of the said Departments respectively; and such Salaries and Remuneration shall be payable out of the Fees to be drawn in said Departments respectively, or out of any other Funds to be provided by Parliament for that Purpose.

Remuneration to Sheriff Clerks.

24. It shall be competent to the Lords Commissioners of Her Majesty's Treasury to direct reasonable Allowances for Trouble to be paid to Sheriff Clerks out of any Fees to be collected by them under this Act.

Deficiency, if any, in Revenues of Register of Deeds to be made up by Surplus in Register of Sasines.

25. If in any Year the Fees of the Register of Deeds and Probative Trusts and Protests in the Books of Council and Session shall be insufficient to defray the Salaries and Expenditure thereof, such Deficiency shall be made up from the Surplus Revenues of the General Register of Sasines.

Compensation Clause.

26. It shall be competent for every Keeper of any Register whose Office shall be discontinued under the Provisions of this Act to apply to the Lords Commissioners of Her Majesty's Treasury, who shall be empowered, on Proof to their Satisfaction of the average

Amount of the Emoluments received by such Keeper, after defraying the Expenses of his Establishment, and to which he was personally entitled under the present System of Registration, to award to him such Compensation as the said Commissioners shall deem just; and such Compensation shall be payable out of any surplus Fees of the Department to which it relates, or out of any other Funds to be provided by Parliament for that Purpose.

27. Anything by this Act authorized or directed to be done by the Lord Clerk Register may be done by any Deputy whom he may appoint in virtue of any Power conferred upon him to make such Appointment.

Lord Clerk Register may act by his Deputy.

28. This Act shall not extend or apply to Burgh Registers of Sasines.

Act not to extend to Burgh Registers.

29. This Act shall take effect from and after the *First Day* of *October One thousand eight hundred and sixty-four.*

Commencement of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Warrant of Registration on a Writ to be registered for Preservation, or Preservation and Execution, as well as Publication.

Register on behalf of *A.B.* [*insert Designation*] for Preservation [*or* Preservation and Execution], as well as Publication.

(Signed) *A.B.*
[*or*] *C.D.*, W.S., Edinburgh,
Agent of the said A.B.
[*or, as the Case may be.*]

SCHEDULE (B.)

Extract of Deed, containing Warrant of Execution.

At Edinburgh, the Day of One thousand eight hundred and , between the Hours of and Forenoon [*or, as the Case may be*], the Writ, with Warrant of Registration thereon, herein-after engrossed, was presented by [*insert Name and Designation of Presenter*] for Registration in the General Register of Sasines for Publication, and also as in the Books of the Lords of Council and Session for Preservation [*or* for Preservation and Execution, *as the Case may be,*] and is, with said Warrant of Registration, recorded in the said Register of Sasines as follows :

[*Insert full Copy of the Deed and Warrant of Registration, and, where Deed is recorded for Execution, insert Warrant for Execution as follows :*

And the said Lords grant Warrant to Messengers-at-Arms in Her Majesty's Name and Authority to charge the Party or Parties aforesaid, bounden by the foresaid Writ, personally, or at his, her, or their respective Dwelling Place or Places if within Scotland, and if furth thereof, by delivering a Copy or Copies of Charge at the Office of the Keeper of the Record of Edictal Citations at Edinburgh, to pay, implement, and perform the whole Sum or Sums or Obligations, or any of them, specified in the said Writ, all in Terms and to the Effect therein contained ; and that to the Party or Parties to whom the said Sum or Sums or Obligations are, by the Terms of said Writ, payable or undertaken, within Six [*or* Fifteen, *as the*

Case may be] Days if within Scotland, and if furth thereof, within Twenty-one Days next after he, she, or they are respectively charged to that Effect, under the pain of Poinding and Imprisonment, the Term or Terms of Payment being always first come and bygone; and also with Deduction of any Sum or Sums paid to Account (if any); and also grant Warrant to arrest the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, Debts, and Sums of Money in Payment and Satisfaction of the said Obligations, or any of them: And if the said Party or Parties bounden as aforesaid fail to obey the said Charge, then to poind the said Party or Parties bounden as aforesaid, his, her, or their readiest Goods, Gear, and other Effects; and if needful for effecting the said Poinding, grant Warrant to open all shut and lockfast Places in Form as effeirs]. Extracted on this and the preceding Pages by me, Keeper of the General Register of Sasines [*or* Deputy Keeper of the Records, *or other Officer duly authorized, as the Case may be.*]

(Signed) *A.B.*

SCHEDULE (C.)

NOTICE OF INHIBITION.

Notice of Letters of Inhibition.—*A.B.* [*insert Designation of the Inhibitor*] against *C.D.* [*insert Designation of the inhibited*].—Signeted [*insert Date of signeting.*]

SCHEDULE (D.)

FORM OF LETTERS OF INHIBITION.

VICTORIA, &c.—To Messengers-at-Arms and others, Our Sheriffs, greeting: Whereas it is humbly shown to us by Our Lovite *A.B.* [*insert Designation*], Complainer, against *C.D.* [*insert Designation*], that [*set forth as concisely as possible the Document on which the Inhibitor proceeds*]: Our Will is herefore, and We charge you, that ye lawfully inhibit the said *C.D.*, personally or at his Dwelling Place, if within Scotland, and if furth thereof, at the Office of the Keeper of the Record of Edictal Citations at Edinburgh, from selling or otherwise affecting his Lands or Heritages to the Prejudice of the Complainer; and that ye cause Register these Our Letters in the General Register of Inhibitions at Edinburgh for Publication to Our Lieges. Given under Our Signet at Edinburgh, this Day of in the Year .

SCHEDULE (E.)

NOTICE of SUMMONS of ADJUDICATION.

Notice of Summons of Adjudication.—*A.B.* [*insert Designation of Pursuer*] against *C.D.* [*insert Designation of Defender*].—Signeted [*insert Date of signeting*].

Writs Registration (Scotland).

A

BILL

To alter and amend the System of the Registration of Writs relative to Land in Scotland.

(Prepared and brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.)

Ordered, by The House of Commons, *to be Printed,*
29 *April* 1864.

[Bill 84.] *Under 2 oz.*

A TABLE, AND INDEX,

OF THE

PUBLIC GENERAL ACTS

Passed in the Sixth Session of the 18th Parliament of the United Kingdom of *Great Britain* and *Ireland.*

27° & 28° VICT.—4 *February*——29 *July* 1864.

THE TABLE.

27° & 28° VICT.

Cap.		*Royal Assent.*
I.	AN ACT to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales* - -	18 March.
II.	AN ACT to enable the Right Honourable Sir *John Laird Mair Lawrence* to receive the full Benefit of the Salary of Governor General of *India*, notwithstanding his being in receipt of an Annuity granted to him by the *East India* Company - - - - - - - - - - - -	18 March.
III.	AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - -	18 March.
IV.	AN ACT for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - - - -	18 March.
V.	AN ACT to apply the Sum of Five hundred and eighty-four thousand Six hundred and fifty Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first day of March One thousand Eight hundred and Sixty-four - - - - - - - - - - -	18 March.
VI.	AN ACT to apply the Sum of Four million Five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand Eight hundred and Sixty-four - - - - - - -	18 March.
VII.	AN ACT to amend the Law relating to Bills of Exchange and Promissory Notes in *Ireland* - - - - - - - - - -	28 April.
VIII.	AN ACT to amend the Laws relating to Conveyancers, Special Pleaders, and Draughtsmen in Equity practising in *Ireland* - - -	28 April.
IX.	AN ACT to allow the making of Malt Duty-free to be used in feeding Animals - - - - - - - - - - - -	28 April.
X.	AN ACT to continue for a further Period certain Provisions of the Union Relief Aid Acts - - - - - - - - - -	28 April.
XI.	AN ACT to apply the Sum of Fifteen Millions out of the Consolidated Fund to the Service of the Year One thousand Eight hundred and Sixty-four - - - - - - - - - - - -	28 April.
XII.	AN ACT to amend the Laws relating to the Warehousing of *British* Spirits - - - - - - - - - - - -	28 April.

Cap.	*Royal Assent.*
XIII. AN ACT to further extend the Time for making Enrolments under the Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled, "An Act to amend the Law relating to the Conveyance of Lands for Charitable Uses," and otherwise to amend the said Law	13 May.
XIV. AN ACT to confirm certain Provisional Orders under "The Land Drainage Act, 1861"	13 May.
XV. AN ACT for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery	13 May.
XVI. AN ACT to confirm the Appointment of *Henry Pendock St. George Tucker*, Esq., as one of the Judges of Her Majesty's High Court at *Bombay*, and to establish the Validity of certain Proceedings therein	13 May.
XVII. AN ACT for the Abolition of Vestry Cess in *Ireland*, and for other Purposes relating thereto	13 May.
XVIII. AN ACT to grant certain Duties of Customs and Inland Revenue	13 May.
XIX. AN ACT to enable Joint Stock Companies carrying on Business in Foreign Countries to have Official Seals to be used in such Countries	13 May.
XX. AN ACT to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum in *Ireland*	13 May.
XXI. AN ACT to indemnify certain Persons from any Penal Consequences which they may have incurred by Sitting and Voting as Members of the House of Commons while holding the Office of Under Secretary of State	23 June.
XXII. AN ACT to amend the Laws which regulate the Registration of Parliamentary Voters in Counties in *Ireland*	23 June.
XXIII. AN ACT to repeal Enactments relating to Naval Prize of War and Matters connected therewith, or with the Discipline or Management of the Navy	23 June.
XXIV. AN ACT to provide for the Appointment, Duties and Remuneration of Agents for Ships of War, and for the Distribution of Salvage, Bounty, Prize and other Money among the Officers and Crews thereof	23 June.
XXV. AN ACT for regulating Naval Prize of War	23 June.
XXVI. AN ACT to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Southampton*, *Brighton*, *Hexham*, *Oswaldtwistle*, *Bolton*, *Ashford*, *Oswestry*, *Fareham*, *West Cowes*, and *Wilton*	23 June.
XXVII. AN ACT for regulating the Proving and Sale of Chain Cables and Anchors	23 June.
XXVIII. AN ACT to amend "The Common Law Procedure (*Ireland*) Act, 1853," in relation to Jurors and Juries in the County of *Cork*	23 June.
XXIX. AN ACT to amend the Act Third and Fourth *Victoria*, Chapter Fifty-four, for making further Provision for the Confinement and Maintenance of Insane Prisoners	23 June.
XXX. AN ACT to provide for the Alteration of the Circuits of the Court of Justiciary in *Scotland*, and for holding additional Circuit Courts	23 June.
XXXI. AN ACT to settle an Annuity on *Mary Louisa*, Countess of *Elgin* and *Kincardine*, in consideration of the distinguished Services performed by the late *James*, Earl of *Elgin* and *Kincardine*	30 June.
XXXII. AN ACT to enable certain Banking Copartnerships which shall discontinue the Issue of their own Bank Notes to sue and be sued by their public Officer	30 June.

Cap.	*Royal Assent.*
XXXIII. AN ACT to facilitate the Commutation and Sale of certain Vicarage Teinds in *Scotland* - - - - - - - - - -	30 June.
XXXIV. AN ACT for amending the Law relating to Seats in the House of Commons of Persons holding certain Public Offices - - - - -	30 June.
XXXV. AN ACT for more effectually regulating the Sale of Beer in *Ireland* - - - - - - - - - - - - - -	30 June.
XXXVI. AN ACT to amend the Law relative to the Payment of the Shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces - - - - - - - -	30 June.
XXXVII. AN ACT to amend and extend the Act for the Regulation of Chimney Sweepers - - - - - - - - - - - -	30 June.
XXXVIII. AN ACT to facilitate the Redemption of Chief Rents in *Ireland* - - - - - - - - - - - - -	30 June.
XXXIX. AN ACT to amend the Union Assessment Committee Act (1862) - - - - - - - - - - - - -	14 July.
XL. AN ACT for authorizing the relinquishment in favour of the King of the *Hellenes* of certain Money payable in respect of the *Greek* Loan - -	14 July.
XLI. AN ACT for confirming a Scheme of the Charity Commissioners for the Charity called "The Free Grammar School" in the City of *Coventry* -	14 July.
XLII. AN ACT to provide for Superannuation Allowances to Officers of Unions and Parishes - - - - - - - - - - -	14 July.
XLIII. AN ACT to grant additional facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death -	14 July.
XLIV. AN ACT to amend the Act relating to Divorce and Matrimonial Causes in *England*, Twentieth and Twenty-first *Victoria*, Chapter Eighty-five - - - - - - - - - - - - - -	14 July.
XLV. AN ACT to further amend the Settled Estates Act of 1856 -	14 July.
XLVI. AN ACT to provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt on account of Deferred Life Annuities and Payments to be made on Death - - - - - - - - - - - - - -	14 July.
XLVII. AN ACT to amend the Penal Servitude Acts - - -	25 July.
XLVIII. AN ACT for the Extension of the Factory Acts - - -	25 July.
XLIX. AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those purposes respectively - - - -	25 July.
L. AN ACT to amend an Act of the Twenty-fifth Year of the Reign of Her present Majesty, to provide for the Registration and Transfer of *Indian* Stocks at the Bank of *Ireland*, and for the mutual Transfer of such Stocks from and to the Banks of *England* and *Ireland* respectively - -	25 July.
LI. AN ACT to vest the Site of the *India* Office in Her Majesty for the Service of the Government of *India* - - - - - - -	25 July.
LII. AN ACT to amend the Law relating to the Valuation of Rateable Property in *Ireland* - - - - - - - - - -	25 July.
LIII. AN ACT to make Provision for Uniformity of Process in summary Criminal Prosecutions and Prosecutions for Penalties in the Inferior Courts in *Scotland* - - - - - - - - - - - - -	25 July.
LIV. AN ACT for the Union of the Diocesan Courts and Registries in *Ireland*; for the Regulation of the mode of Procedure therein, and also in the Provincial Courts of *Armagh* and *Dublin*, and for Appeals therefrom	25 July.
LV. AN ACT for the better Regulation of Street Music within the Metropolitan Police District - - - - - - - - - -	25 July.
LVI. AN ACT for granting to Her Majesty certain Stamp Duties; and to amend the Laws relating to the Inland Revenue - - - - -	25 July.
LVII. AN ACT to make Provision respecting the Acquisition of Lands required by the Admiralty for the Public Service, and respecting the Use and Disposition thereof, and the execution of Works thereon - - -	25 July.

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LIX. AN ACT to continue the Deputy Commissioners in Lunacy in *Scotland*, and to make further Provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy in *Scotland* - - - - - - - - - - - - -	25 July.
LX. AN ACT to enable Her Majesty to grant a Lease for Nine hundred and ninety-nine Years of the Building known as the College of Physicians in *Pall Mall East* - - - - - - - - - - -	25 July.
LXI. AN ACT for empowering the Commissioners of the Treasury to guarantee, and the Commissioners for the Reduction of the National Debt to advance, the Sums authorized to be borrowed for the Embankment of the *Thames* and Improvement of the Metropolis, and for other Purposes connected therewith - - - - - - - - - - -	25 July.
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LXXII. AN ACT to explain certain Provisions contained in the Drainage and Improvement of Lands (*Ireland*) Act, 1863 - - - - - -	25 July.
LXXIII. AN ACT to apply a Sum out of the Consolidated Fund, and the Surplus of Ways and Means, to the Service of the Year One thousand eight hundred and sixty-four, and to appropriate the Supplies granted in this Session of Parliament - - - - - - - - - -	29 July.
LXXIV. AN ACT for raising the Sum of One million Six hundred thousand Pounds by Exchequer Bonds for the Service of the Year One thousand Eight hundred and Sixty-four - - - - - - - - -	29 July.
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LXXVI. AN ACT to make valid defective Registration of Deeds in certain cases, and to substitute Stamps in lieu of the Fees now payable on Proceedings in the Registrar of Deeds Office in *Ireland* - - - -	29 July.
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LXXXI. AN ACT for amending the Act 11th & 12th *George* the Third, c. 17, (I.), in respect of the Charges on the Revenues of the Archbishopric of *Armagh*	29 July.
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LXXXIV. AN ACT for continuing various expiring Acts	29 July.
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XCV. AN ACT to amend the Act Ninth and Tenth *Victoria*, Chapter Ninety-three, for compensating the Families of Persons killed by Accident	29 July.
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TO THE

PUBLIC GENERAL ACTS, 27° & 28° VICT., 1864:

SHOWING

Whether they relate to the WHOLE or to any PART of the UNITED KINGDOM;

VIZ.

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(S.)	SCOTLAND.
(I.)	IRELAND.
(E. & I.)	ENGLAND AND IRELAND.
(G. B.)	GREAT BRITAIN.
(G. B. & I.)	GREAT BRITAIN AND IRELAND.
(U. K.)	THE WHOLE OF THE UNITED KINGDOM.

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Filey. *See* Piers and Harbours.

Fish Teinds; to facilitate the Commutation and Sale of certain Vicarage Teinds in Scotland - - - - - - - - - - (S.) 33.

Fisheries to amend the Acts 25 & 26 Vict. c. 97, and 26 & 27 Vict. c. 50, relating to Salmon Fisheries in Scotland - - - - (S.) 118.

Flesh, Poisoned, &c.; to prohibit the placing of Poisoned Flesh and Poisonous Matters in Plantations, Fields, and open Places, and to extend "The Poisoned Grain Prohibition Act, 1863," (26 & 27 Vict. c. 113) - - - - - - - - - - (G. B. & I.) 115.

Foreign Countries. *See* Joint Stock Companies.

Fortifications; for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal - - - - - - - (U. K.) 109.

——— *See* also Defence of the Realm.

Free Grammar School, Coventry. *See* Charity Commission.

G.

Game; to amend the Law in certain cases relating to Trespasses in Pursuit of Game - - - - - - - - - - - (I.) 67.

Gaols; to amend the Act 3 & 4 Vict. c. 54, for making further Provision for the Confinement and Maintenance of Insane Prisoners - - (E.) 29.

——— *See* also Prisons.

Gas, Sale of; to enable certain Royal and Parliamentary Burghs in Scotland to avail themselves of the Provisions of the Acts 22 & 23 Vict. c. 66, and 23 & 24 Vict. c. 146, for regulating the Sale of Gas (S.) 96.

General Board of Lunacy in Scotland; to continue the Deputy Commissioners in Lunacy in Scotland, and to make further Provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy in Scotland - - - - - (S.) 59.

Government Annuities, &c.; to grant additional Facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death - - - - - - - - - - (U. K.) 43.

——— ——— to provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt on account of Deferred Life Annuities and Payments to be made on Death - - - - - - - (U. K.) 46.

Governor General of India. *See* Lawrence, Sir John.

Grain, Poisoned. *See* Poisoned Flesh Prohibition, &c.

Greece; to repeal and in part to re-enact certain Acts of Parliament relating to the Ionian States, and to establish the Validity of certain things done in the said States - - - - - - - - (U. K.) 77.

Greek Loan; for authorising the Relinquishment in favour of the King of the Hellenes, of certain Money payable in respect of the Greek Loan - - - - - - - - - - - - - - (U. K.) 40.

Greenock. *See* Piers and Harbours.

(*continued*)

H. *Cap.*

Harbours, &c.; for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861" (24 & 25 Vict. c. 45), relating to Brighton, Eastbourne, Sandown, Walton-on-the-Naze, Clevedon, Rhyl, Bray, Kircubbin, Walton (Suffolk), Holywood, Exe Bight, Lytham, Ardglass, Filey, Greenock, Carlingford Lough, Wexford, Torquay, and Oban - - (G. B. & I.) 93.

———— for amending "The Isle of Man Harbours Act, 1863" (26 & 27 Vict. c. 86) - - - - - - - - - - (E.) 62.

———— for amending "The Harwich Harbour Act, 1863" (26 & 27 Vict. c. 71) - - - - - - - - - (E.) 102.

Hartlepool; for confirming a Provisional Order concerning Pilotage, made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862" (25 & 26 Vict. c. 63), relating to Hartlepool - - - - - - - - - - - - (E.) 58.

Harwich Harbour; for amending "The Harwich Harbour Act, 1863" (26 & 27 Vict. c. 71) - - - - - - - - - (E.) 102

Hellenes, King of the; for authorising the Relinquishment, in favour of the King of the Hellenes, of certain Money payable in respect of the Greek Loan - - - - - - - - - - (U. K.) 40.

Hexham. *See* Local Government of Towns.

High Court at Bombay; to confirm the Appointment of Henry Pendock St. George Tucker, Esq., as one of the Judges of Her Majesty's High Court at Bombay, and to establish the Validity of certain Proceedings therein - - - - - - - - - (U. K.) 16.

High Court of Chancery; for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery - - - - - - - - - - - (E.) 15.

Highways; to amend the Act 25 & 26 Vict. c. 61, for the better Management of Highways in England - - - - - - (E.) 101.

Holywood. *See* Piers and Harbours.

House of Commons; for amending the Law relating to Seats in the House of Commons of Persons holding certain Public Offices - (U. K.) 34.

———— *See* also Under Secretaries of State.

I.

Importation of Corn. *See* Corn Accounts and Returns.

Improvement of Land Act, 1864 - - - - - - - - (G. B. & I.) 114.

Improvement of Lands; to explain certain Provisions contained in "The Drainage and Improvement of Lands (Ireland) Act, 1863" (26 & 27 Vict. c. 88) - - - - - - - - - - (I.) 72.

———— to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863" (26 & 27 Vict. c. 88) - - - - - - - - - - (I.) 107.

Improvements (Metropolis). *See* Cranbourne-street. Thames Embankment.

Inclosure of Lands; to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales - - - - - - - - - - - (E.) 1.

———— to authorise the Inclosure of certain Lands, in pursuance of a Special Report of the Inclosure Commissioners - - (E.) 66.

Incumbered Estates, West Indies; to amend "The West Indian Incumbered Estates Acts" (17 & 18 Vict. c. 117; 21 & 22 Vict. c. 96; and 25 & 26 Vict. c. 45) - - - - - - - - (U. K.) 108.

		Cap.
Indemnity; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	(G. B. & I.)	49.
——— *See* also Under Secretaries of State.		
India, Governor General of. *See* Lawrence, Sir John.		
India Office; to vest the Site of the India Office in Her Majesty for the Service of the Government of India	(U. K.)	51.
India Stocks Transfer; to amend the Act 25 & 26 Vict. c. 7, to provide for the Registration and Transfer of Indian Stocks at the Bank of Ireland, and for the mutual Transfer of such Stocks from and to the Banks of England and Ireland respectively	(U. K.)	50.
Inland Revenue; to grant certain Duties of Customs and Inland Revenue,	(U. K.)	18.
——— to amend the above Act, as to the Stamp Duties on certain Letters or Powers of Attorney	(U. K.)	90.
——— for granting to Her Majesty certain Stamp Duties; and to amend the Laws relating to the Inland Revenue	(U. K.)	56.
——— *See* also Stamps. Stamp Duties.		
Insane Prisoners; to amend the Act 3 & 4 Vict. c. 54, for making further Provision for the Confinement and Maintenance of	(E.)	29.
Ionian States; to repeal and in part to re-enact certain Acts of Parliament relating to the Ionian States, and to establish the Validity of certain things done in the said States	(U. K.)	77.
Ireland, Acts relating specially to. *See* Armagh and Dublin. Armagh Archiepiscopal Revenues. Bank of Ireland. Bank Notes. Bank Post Bills. Beerhouses. Bills of Exchange, &c. Chief Rents. Church in Ireland. Civil Bill Causes. Common Law Procedure. Conveyancers, &c. County Voters. Diocesan Courts. Drainage and Improvement of Land. Ecclesiastical Courts and Registries. Game. Improvement of Lands. Jurors and Juries. Railways. Rateable Property Valuation. Registration of Deeds. Sale of Beer. Stamps. Trespass. Vestry Cess Abolition.		
Isle of Man Harbours; for amending "The Isle of Man Harbours Act, 1863" (26 & 27 Vict. c. 86)	(E.)	62.
Issue of Bank Notes. *See* Banking Copartnerships.		

J.

Joint Stock Companies (Foreign Countries); to enable Joint Stock Companies carrying on Business in Foreign Countries to have Official Seals, to be used in such Countries	(U. K.)	19.
Judgments, &c. Law Amendment; to amend the Law relating to future Judgments, Statutes, and Recognizances	(E.)	112.
Jurors and Juries (Cork); to amend "The Common Law Procedure (Ireland) Act, 1853," (16 & 17 Vict. c. 113), in relation to Jurors and Juries in the County of Cork	(I.)	28.
Justice, Administration of. *See* Accidents Compensation. Bombay, High Court at. Chancery, Court of. Circuits. Civil Bill Courts. Clerks of the Peace. Common Law Procedure. Conveyancers. Court of Chancery. Criminal Justice. Criminal Prosecutions. Divorce Court. Ecclesiastical Courts and Registries. Gaols. Insane Prisoners. Judgments, &c. Jurors and Juries. Justices Proceedings Confirmation. Justiciary, Court of. Limited Penalties. Penal Servitude. Penalties. Recognizances, &c. Sheriffs Substitute. Summary Procedure. Trespass.		
Justices Proceedings Confirmation; to confirm certain Proceedings of the Justices for the County of Sussex	(E.)	100.
Justiciary, Court of; to provide for the Alteration of the Circuits of the Court of Justiciary in Scotland, and for holding additional Circuit Courts	(S.)	30.

K.

		Cap.
Kingston-upon-Hull. *See* Local Government of Towns.		
Kircubbin. *See* Piers and Harbours.		

L.

Land Drainage; to confirm certain Provisional Orders under "The Land Drainage Act, 1861," (24 & 25 Vict. c. 133)	(E.)	14.
Land, Improvement of; "The Improvement of Land Act, 1864"	(G. B. & I.)	114.
Lands, Conveyance of; to further extend the Time for making Enrolments under the Act 24 & 25 Vict. c. 9, "to amend the Law relating to the Conveyance of Land for Charitable Uses," and otherwise to amend the said Law	(E.)	13.
Lands, Improvement of; to explain certain Provisions contained in "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88)	(I.)	72.
——— to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," (26 & 27 Vict. c. 88)	(I.)	107.
Lands, Inclosure of. *See* Commons Inclosure.		
Lands and Works (Admiralty); to make Provision respecting the Acquisition of Lands required by the Admiralty for the Public Service, and respecting the Use and Disposition thereof, and the Execution of Works thereon	(G. B. & I.)	57.
——— to authorise the Acquisition of Lands by the Admiralty with a view to the Extension of Portsmouth Dockyard, and for other Purposes connected therewith	(E.)	103.
Lawrence, Sir John; to enable the Right Honourable Sir John Laird Mair Lawrence to receive the full Benefit of the Salary of Governor General of India, notwithstanding his being in receipt of an Annuity granted to him by the East India Company	(U. K.)	2.
Letters of Attorney; to amend Chapter 18 of the present Session as to the Stamp Duties on certain Letters or Powers of Attorney	(U. K.)	90.
Life Annuities and Life Assurances; to grant additional Facilities for the Purchase of small Government Annuities, and for assuring Payments of Money on Death	(U. K.)	43.
——— to provide for the Investment and Appropriation of all Monies received by the Commissioners for the Reduction of the National Debt on account of Deferred Life Annuities and Payments to be made on Death	(U. K.)	46.
Limited Penalties; for the Amendment of the Law relating to the Mitigation of Penalties	(G. B. & I.)	110.
Lists and Ballots for the Militia. *See* Militia.		
Loan (New Zealand); to guarantee the Liquidation of a Loan for the Service of the Colony of New Zealand	(U. K.)	82.
Local Government of Towns; to amend the Local Government Act of 1858 (21 & 22 Vict. c. 98), so far as it applies to Oxford	(E.)	68.
——— to confirm certain Provisional Orders under "The Local Government Act, 1858," (21 & 22 Vict. c. 98), relating to the Districts of Southampton, Brighton, Hexham, Oswaldtwistle, Bolton, Ashford, Oswestry, Fareham, West Cowes, and Wilton	(E.)	26.
——— to confirm certain Provisional Orders under "The Local Government Act, 1858," (21 & 22 Vict. c. 98), relating to the Districts of Kingston-upon-Hull, Stockport, Penzance, Shanklin, Portsmouth, Tunbridge Wells, Woolwich, and Tormoham	(E.)	83.
London (Improvements). *See* Cranbourne Street, Thames Embankment.		

Cap.

Lunacy; to continue the Deputy Commissioners in Lunacy in Scotland, and to make further Provision for the Salaries of the Deputy Commissioners, Secretary, and Clerk of the General Board of Lunacy in Scotland - - - - - - - - - - (S.) 59.

Lunatic Prisoners. *See* Insane Prisoners.

Lytham. *See* Piers and Harbours.

M.

Malt for Animals; to allow the making of Malt Duty-free to be used in feeding Animals - - - - - - - - - (U. K.) 9.

Man, Isle of. *See* Isle of Man Harbours.

Manufacturing Districts; to extend the Powers of the Public Works (Manufacturing Districts) Act, 1863 (26 & 27 Vict. c. 70) - - (E.) 104.

Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - - (U. K.) 4.

Matrimonial Causes; to amend the Act 20 & 21 Vict. c. 85, relating to Divorce and Matrimonial Causes in England - - - - (E.) 44.

Measures (Metric System); to render permissive the Use of the Metric System of Weights and Measures - - - - - - (G. B. & I.) 117.

Members of House of Commons. *See* Indemnity. Under Secretaries of State.

Metric System of Weights and Measures; to render permissive the Use of the Metric System of Weights and Measures - - - (G. B. & I.) 117.

Metropolis Improvements; for empowering the Commissioners of the Treasury to guarantee, and the Commissioners for the Reduction of the National Debt to advance, the Sums authorised to be borrowed for the Embankment of the Thames and Improvement of the Metropolis; and for other Purposes connected therewith - - - (E.) 61.

——— to transfer certain Houses in and near Cranbourne-street, in the City of Westminster, from the Commissioners of Her Majesty's Works to Her Majesty, for the Considerations therein mentioned - - - - - - - - - - - - (E.) 111.

Military Stations; for the Prevention of Contagious Diseases at certain Naval and Military Stations - - - - - - - - - E. & I. 85.

Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - - - - - - - (G. B. & I.) 63.

——— to defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers - - - - (G. B. & I.) 69.

Minor Corporations (Cathedral); to substitute fixed instead of fluctuating Incomes for the Members of certain Minor Corporations in certain of the Cathedral Churches in England - - - - (E.) 70.

Mitigation of Penalties. *See* Limited Penalties.

Music (Street); for the better Regulation of Street Music within the Metropolitan Police District - - - - - - - (E.) 55

Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - (U. K.) 3.

——— for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - - (U. K.) 4.

N.

Names on Bank Notes. *See* Bank Notes, &c.

Naval Agency and Distribution; to provide for the Appointment, Duties, and Remuneration of Agents for Ships of War, and for the Distribution of Salvage, Bounty, Prize, and other Money, &c. - (U. K.) 24.

(*continued*)

Cap.

Naval Agency and Distribution; for regulating Naval Prize of War - (U. K.) 25.

Naval Discipline; to make Provision for the Discipline of the Navy - (U. K.) 119.

——— to repeal Enactments relating to Naval Prize of War and Matters connected therewith, or with the Discipline or Management of the Navy - - - - - - - - - (U. K.) 23.

Naval Prize; for regulating Naval Prize of War - - - - (U. K.) 25.

——— *See* also Naval Agency. Naval Discipline.

Naval and Military Stations; for the Prevention of Contagious Diseases at certain Naval and Military Stations - - - - - - - (E. & I.) 85.

Naval and Victualling Stores; for the more effectual Protection of Her Majesty's Naval and Victualling Stores - - - - - - - (E.) 91.

New Zealand; to guarantee the Liquidation of a Loan for the Service of the Colony of New Zealand - - - - - - - - (U. K.) 82.

Notes, Promissory. *See* Bills of Exchange, &c.

Nuisances on Turnpike Roads; to amend the Law relating to certain Nuisances on Turnpike Roads, and to continue certain Turnpike Acts in Great Britain - - - - - - - - - - (G. B.) 75.

O.

Oban. *See* Piers and Harbours.

Officers (Deceased). *See* Army Prize.

Officers of Unions. *See* Superannuations, &c.

Official Seals. *See* Joint Stock Companies.

Oswaldtwistle. *See* Local Government of Towns.

Oswestry. *See* Local Government of Towns.

Oxford; to amend the Local Government Act of 1858 (21 & 22 Vict. c. 98) so far as it applies to Oxford - - - - - - (E.) 68.

P.

Pall Mall East. *See* College of Physicians.

Parliamentary Voters. *See* County Voters.

Pay of the Militia. *See* Militia.

Peace, Clerks of; for amending the Law relating to the Removal of Clerks of the Peace - - - - - - - - - - (E.) 65.

Penal Servitude; to amend the Penal Servitude Acts (16 & 17 Vict. c. 99, and 20 & 21 Vict. c. 3) - - - - - - - - (G. B. & I.) 47.

Penalties, Mitigation of; for the Amendment of the Law relating to the Mitigation of Penalties - - - - - - - - - (G. B. & I.) 110.

Penalties, Prosecutions for; to make Provision for Uniformity of Process in summary Criminal Prosecutions, and Prosecutions for Penalties in the Inferior Courts in Scotland - - - - - - - (S.) 53.

Penzance. *See* Local Government of Towns.

Physicians, College of; to enable Her Majesty to grant a Lease for Nine hundred and ninety-nine Years of the Building known as the College of Physicians in Pall Mall East - - - - - (E.) 60.

Piers and Harbours; for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," (24 & 25 Vict. c. 45), relating to Brighton, Eastbourne, Sandown, Walton-on-the-Naze, Clevedon, Rhyl, Bray, Kircubbin, Walton (Suffolk), Holywood, Exe Bight, Lytham, Ardglass, Filey, Greenock, Carlingford Lough, Wexford, Torquay, and Oban - - (G. B. & I.) 93.

——— *See* also Harbours.

		Cap.
Pilotage Order Confirmation; for confirming a Provisional Order concerning Pilotage made by the Board of Trade under "The Merchant Shipping Act Amendment Act, 1862," (25 & 26 Vict. c. 63), relating to Hartlepool - - - - - - - - - -	(E.)	58.
Pleaders, Special. *See* Conveyancers, &c.		
Poisoned Flesh Prohibition, &c.; to prohibit the placing of poisoned Flesh and Poisonous Matters in Plantations, Fields and open Places, and to extend "The Poisoned Grain Prohibtion Act, 1863," (26 & 27 Vict. c. 113) - - - - - - - - - - - -	(G. B. & I.)	115.
Poor—Poor Laws; to continue for a further Period certain Provisions of the Union Relief Aid Acts (25 & 26 Vict. c. 110, and 26 & 27 Vict. cc. 4. 91) - - - - - - - - - - - - -	(E.)	10.
——— to amend the Union Assessment Committee Act, 1862 (25 & 26 Vict. c. 103) - - - - - - - -	(E.)	39.
——— to provide for Superannuation Allowances to Officers of Unions and Parishes - - - - - - - - -	(E.)	42.
——— to explain the Statutes of Her present Majesty for amending the Laws relating to the Removal of the Poor - -	(E.)	105.
——— to make Provision for distributing the Charge of Relief of certain Classes of poor Persons over the whole of the Metropolis - - - - - - - - - - - - -	(E.)	116.
Port Erin Harbour; for amending "The Isle of Man Harbours Act, 1863," (26 & 27 Vict. c. 86) - - - - - - - -	(E.)	62.
Portland. *See* Fortifications.		
Portsmouth. *See* Local Government of Towns.		
Portsmouth Dockyard; to authorise the Acquisition of Lands by the Admiralty with a view to the Extension of Portsmouth Dockyard, and for other Purposes connected therewith - - - - - -	(E.)	103.
Powers of Attorney. *See* Stamps.		
Prisons—Prisoners; to amend the Penal Servitude Acts (16 & 17 Vict. c. 99, and 20 & 21 Vict. c. 3) - - - - - - - - -	(G. B. & I.)	47.
——— to amend the Act 3 & 4 Vict. c. 54, for making further Provision for the Confinement and Maintenance of Insane Prisoners - - - - - - - - - - - - -	(E.)	29.
Prize (Army); to amend the Law relative to the Payment of the Shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces - - - - - - -	(U. K.)	36.
Prize (Naval); for regulating Naval Prize of War - - - - -	(U. K.)	25.
——— to repeal Enactments relating to Naval Prize of War and Matters connected therewith, or with the Discipline or Management of the Navy - - - - - - - - - - -	(U. K.)	23.
——— to provide for the Appointment, Duties and Remuneration of Agents for Ships of War, and for the Distribution of Salvage Bounty, Prize and other Money among the Officers and Crews thereof - - - - - - - - - - - - -	(U. K.)	24.
Promissory Notes; to amend the Law relating to Bills of Exchange and Promissory Notes in Ireland - - - - - - - -	(I.)	7.
——— to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum in Ireland - - - - - - - - - - - - -	(I.)	20.
Prosecutions for Penalties. *See* Summary Procedure.		
Protestant Episcopal Church in Scotland. *See* Church of Scotland.		
Provisional Orders. *See* Drainage and Improvement of Lands. Piers and Harbours. Local Government. Pilotage, &c. Turnpike Roads, &c.		
Public and Refreshment Houses; for further regulating the closing of Public Houses and Refreshment Houses within the Metropolitan Police District, the City of London, certain Corporate Boroughs, and other Places - - - - - - - - - - - - -	(E.)	64.

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		Cap.
Public Schools; for annexing Conditions to the Appointment of Persons to Offices in the governing Bodies of certain Public Schools and Colleges	(E.)	92.
Public Works (Manufacturing Districts); to extend the Powers of "The Public Works (Manufacturing Districts) Act, 1863," (26 & 27 Vict. c. 70)	(E.)	104.
Purchases and Sales of Corn. *See* Corn, &c.		

Q.

Qualifications for Offices, &c.; to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	(G. B. & I.)	49.

R.

Railways—Railway Companies; to facilitate in certain cases the obtaining of Powers for the Construction of Railways	(G. B. & I.)	121.
——————— to facilitate in certain Cases the obtaining of further Powers by Railway Companies	(G. B. & I.)	120.
——————— for amending and extending "The Railways (Ireland) Act, 1851," (14 & 15 Vict. c. 70), and "The Railways (Ireland) Act, 1860," (23 & 24 Vict. c. 97)	(I.)	71.
Rateable Property Valuation; to amend the Law relating to the Valuation of Rateable Property in Ireland	(I.)	52.
Rates, Taxes and Duties. *See* Customs and Inland Revenue. Excise. Poor. Stamps.		
Recognizances, &c.; to amend the Law relating to future Judgments, Statutes and Recognizances	(E.)	112.
Redemption of Chief Rents; to facilitate the Redemption of Chief Rents in Ireland	(I.)	38.
Refreshment Houses; for further regulating the closing of Public Houses and Refreshment Houses within the Metropolitan Police District, the City of London, certain Corporate Boroughs, and other Places	(E.)	64.
Registration of Burials; to make further Provisions for the Registration of Burials in England	(E.)	97.
Registration of County Voters; to amend the Laws which regulate the Registration of Parliamentary Voters in Counties in Ireland	(I.)	22.
Registration of Deeds; to make valid defective Registration of Deeds in certain Cases, and to substitute Stamps in lieu of the Fees now payable on Proceedings in the Registrar of Deeds Office in Ireland	(I.)	76.
Registration of Stock. *See* India Stocks Transfer.		
Registries, Ecclesiastical. *See* Ecclesiastical Courts and Registries.		
Regulation of Chimney Sweepers; to amend and extend the Act 3 & 4 Will. 4, c. 85, for the Regulation of Chimney Sweepers	(G. B. & I.)	37.
Relief of the Poor. *See* Poor.		
Removal of Clerks of the Peace; for amending the Law relating to	(E.)	65.
Removal of the Poor; to explain the Statutes of Her present Majesty for amending the Laws relating to the Removal of the Poor	(E.)	105.
Rents; to facilitate the Redemption of Chief Rents in Ireland	(I.)	38.
Rhyl. *See* Piers and Harbours.		
Romney Marsh (Kent). *See* Cinque Ports, &c.		
Royal Arsenals. *See* Fortifications.		
Royal Marines. *See* Marine Mutiny.		

S.

		Cap.
Sale of Beer; for more effectually regulating the Sale of Beer in Ireland	(I.)	35.
Sale of Gas; to enable certain Royal and Parliamentary Burghs in Scotland to avail themselves of the Provisions of the Acts 22 & 23 Vict. c. 66, and 23 & 24 Vict. c. 146, for regulating the Sale of Gas	(S.)	96.
Sales of Corn. *See* Corn, &c.		
Salmon Fisheries; to amend the Acts 25 & 26 Vict. c. 97, and 26 & 27 Vict. c. 50, relating to Salmon Fisheries in Scotland	(S.)	118.
Salvage. *See* Prize (Naval).		
Sandown. *See* Piers and Harbours.		
Schools, Public; for annexing Conditions to the Appointment of Persons to Offices in the Governing Bodies of certain Public Schools and Colleges	(E.)	92.
Scotland, Acts relating specially to. *See* Church of Scotland. Circuits. Criminal Prosecutions, &c. Deputy Commissioners in Lunacy. Fish Teinds. Fisheries. Justiciary, Court of. Lunacy. Penalties. Sale of Gas. Scottish Episcopal Clergy. Sheriffs Substitute. Summary Procedure.		
Scottish Episcopal Clergy; to remove Disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in Scotland	(G. B. & I.)	94.
Seals (Joint Stock Companies); to enable Joint Stock Companies carrying on Business in Foreign Countries to have Official Seals to be used in such Countries	(U. K.)	19.
Secretaries of State; to indemnify certain Persons from any Penal Consequences which they may have incurred, by sitting and voting as Members of the House of Commons while holding the Office of Under Secretary of State	(U. K.)	21.
——————— *See* also House of Commons.		
See of Armagh. *See* Archbishopric of Armagh.		
Servitude, Penal; to amend the Penal Servitude Acts (16 & 17 Vict. c. 99, and 20 & 21 Vict. c. 3)	(G. B. & I.)	47.
Settled Estates; to further amend the Settled Estates Act of 1856 (19 & 20 Vict. c. 120)	(E. & I.)	45.
Shanklin. *See* Local Government of Towns.		
Sheriffs Substitute; to authorize the Lords Commissioners of the Treasury to make Provision in regard to the Salaries of certain Sheriffs Substitute in Scotland	(S.)	106.
Ships of War. *See* Prize (Naval).		
Signatures on Bank Notes; for impressing by Machinery Signatures of Names on Bank Notes and certain Bills of the Bank of Ireland	(I.)	78.
Soldiers (Deceased). *See* Army Prize.		
Southampton. *See* Local Government of Towns.		
Special Pleaders. *See* Conveyancers, &c.		
Spirits, British; to amend the Laws relating to the warehousing of British Spirits	(U. K.)	12.
Stamps—Stamp Duties; for granting to Her Majesty certain Stamp Duties; and to amend the Laws relating to the Inland Revenue	(U. K.)	56.
——————— to permit for a limited period Compositions for Stamp Duty on Bank Post Bills of Five Pounds and upwards in Ireland	(I.)	86.
——————— to grant certain Duties of Customs and Inland Revenue [Stamp Duties, &c.]	(U. K.)	18.
——————— to amend the above Act as to the Stamp Duties on certain Letters or Powers of Attorney	(U. K.)	90.

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Stamps—Stamp Duties; to make valid defective Registration of Deeds in certain Cases, and to substitute Stamps in lieu of the Fees now payable on Proceedings in the Registrar of Deeds Office in Ireland	(I.)	76.
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Stocks, India. *See* India Stocks Transfer.		
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Sussex, County of; to confirm certain Proceedings of the Justices for the County of Sussex	(E.)	100.

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Taxes, Rates, and Duties. *See* Customs and Inland Revenue. Excise. Poor. Stamps.		
Teinds, Fish; to facilitate the Commutation and Sale of certain Vicarage Teinds in Scotland	(S.)	33.
Thames Conservancy; to amend the Laws relating to the Conservancy of the River Thames, and for other Purposes relating thereto	(E.)	113.
Thames Embankment and Metropolis Improvement; for empowering the Commissioners of the Treasury to guarantee, and the Commissioners for the Reduction of the National Debt to advance, the Sums authorized to be borrowed for the Embankment of the Thames and Improvement of the Metropolis, and for other Purposes connected therewith	(E.)	61.
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Traffic on Westminster Bridge; for the better Regulation of the Traffic on Westminster Bridge, and for the Prevention of Obstructions thereon	(E.)	88.
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Tucker, H. P. St. George, Esq. *See* High Court at Bombay.		
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Turnpike Roads, &c.; to amend the Law relating to certain Nuisances on Turnpike Roads, and to continue certain Turnpike Acts in Great Britain	(G. B.)	75.
——————— to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38, to facilitate Arrangements for the Relief of Turnpike Trusts	(E.)	79.

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Under Secretaries of State; to indemnify certain Persons from any penal Consequences which they may have incurred by sitting and voting as Members of the House of Commons while holding the Office of Under Secretary of State - - - - - -	(U. K.)	21.
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Union Assessment Committees; to amend "The Union Assessment Committee Act, 1862," (25 & 26 Vict. c. 103) - - - -	(E.)	39.
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Union Relief Aid; to continue for a further Period certain Provisions of the Union Relief Aid Acts (25 & 26 Vict. c. 110, and 26 & 27 Vict. cc. 4. 91) - - - - - - - - - -	(E.)	10.

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West Indian Incumbered Estates; to amend "The West Indian Incumbered Estates Acts," (17 & 18 Vict. c. 117, 21 & 22 Vict. c. 96, and 25 & 26 Vict. c. 45) - - - - - - - -	(U. K.)	108.
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